



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

अंक: 54

शिमला, शनिवार, 6 मई, 2006/16 वैशाख, 1928

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6 मई, 2006/16 वैशाख, 1928 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'प्रसाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं: —

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. LLR-E(9)-5/2006-Leg., dated the 3rd May, 2006.	Law Department	Notification regarding to repeal the Punjab Law Department Manual. 1934 in its application to the State of Himachal Pradesh. with effect from 15th May, 2006.
No. YYS B (6) 1/95, dated the 28th April, 2006.	Youth Services and Sports Department	Corrigendum regarding the R & P Rules for the Post of Director, Mountaineering and Allied Sports, Manali.

भाग-1—वैधानिक नियमों को छोड़कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा साधुसूचनाएँ इत्यादि
 हिमाचल प्रदेश हाई कोर्ट
 as Additional District and Sessions Judge,
 Sirmaur at Nahan against vacant post.

NOTIFICATIONS

Shimla-1, the 12th April, 2006

No HHC/15-21/Jus/Accts/2000 7692 — It is hereby notified that the Hon'ble Mr. Justice Kuldip Chaud has relinquished the charge of the office of the Judge, High Court of Himachal Pradesh in the forenoon of 12th April, 2006 on attaining the age of superannuation.

By order,

ARUNA KAPOOR,
 Registrar (General).

Shimla-1, the 12th April, 2006

No HHC/GAZ 14-53/74 IV-7556-80 — In the interest of administration, following transfers and postings of the Officers of the cadre of District Judges/Additional District Judges are hereby ordered with immediate effect :—

1. Shri D. C. Chaudhary, President, District Consumer Disputes Redressal Forum Mandi on recall and repatriation from the Government of Himachal Pradesh is posted as District and Sessions Judge, Kullu *vice* Shri B. R. Chandel, Sl. No. 2 below,

2. Shri B. R. Chandel, District and Sessions Judge, Kullu is transferred and posted as District and Sessions Judge, Hamirpur *vice* Shri Shamsher Singh who has been appointed as President, District Consumer Disputes Redressal Forum, Mandi *vide* Government Notification No. FDS-B(2)-3/2006, dated 4th/5th April, 2006.

3. Services of Shri P. S. Rana, President, District Consumer Disputes Redressal Forum, Dharamshala on recall and repatriation from the Government of Himachal Pradesh, are placed at the disposal of Hon'ble the Chief Justice for being posted as Registrar (Inspection), High Court of Himachal Pradesh, Shimla against vacant post.

4. Services of Shri R. K. Mittal, Administrative Officer, Himachal Pradesh State Legal Services Authority, Shimla (newly appointed Additional District Judge *w. e. f.* 5.9.2003 *vide* Government Notification No. Home-B(A) 1/95, dated 5th April, 2006) on recall and repatriation from the Himachal Pradesh State Legal Authority, Shimla, are placed at the disposal of the Government of Himachal Pradesh for being appointed and posted as Special Secretary (Law) to the Government of Himachal Pradesh, Shimla against a vacant post.

5. Shri Sushil Kukreja, Additional District and Sessions Judge (I), Kangra at Dharamshala is transferred and posted as District and Sessions Judge, Kinnaur at Rampur *vice* Shri C. B. Barowalia who has been appointed and posted as President, District Consumer Disputes Redressal Forum, Dharamshala *vide* Government Notification No. FDS-B(2)-3/2006, dated 4th/5th April, 2006.

6. Shri D. K. Sharma, Additional District and Session Judge Shimla is transferred and posted as Additional District and Sessions Judge (I), Kangra at Dharamshala *vice* Shri Sushil Kukreja, Sl. No. 5 above.

7. Shri A. S. Jaswal Additional District and Sessions Judge, Mandi is transferred and posted

8. Shri Pritam Singh, Additional District and Sessions Judge, Solan (*ad hoc* basis), who has been promoted and appointed as such on regular basis *vide* Government Notification No. Home-B(A) 1/95, dated 5th April, 2006 shall continue as such at Solan.

9. Shri R. L. Azad, Presiding Officer, Fast Track Court, Ghumarwin (newly promoted and appointed Officer to the cadre of District Judges/Additional District Judges on regular basis *vide* Government Notification No. Home B (A) 1/95, dated 5th April, 2006) is transferred and posted as Additional District and Sessions Judge, Mandi *vice* Shri A. S. Jaswal, Sl. No. 7 above.

10. Shri S. L. Sharma, Presiding Officer, Fast Track Court, Hamirpur (newly promoted and appointed Officer to the cadre of District Judges/Additional District Judges on regular basis *vide* Government Notification No. Home-B (A) 1/95 dated 5th April, 2006) is transferred and posted as Additional District and Sessions Judge, Shimla *vice* Shri D. K. Sharma, Sl. No. 6 above.

11. Shri K. S. Chandel, Presiding Officer, Fast Track Court, Una on promotion and appointment as Additional District and Sessions Judge, purely on *ad hoc* basis against the existing vacancy on direct recruits (till selection and appointment by way of direct recruitment is made), is transferred and posted as Additional District and Sessions Judge (2) Kangra at Dharamshala against a vacant post.

12. Shri D. S. Khenal, Civil Judge (Sr. Divn.) *cum*-Chief Judicial Magistrate, Solan, who has been promoted and appointed as presiding Officer, Fast Track Court, on *ad hoc* basis in the rank of Additional District and Sessions Judge *vide* Government Notification No. Home-B(A) 1/95, dated 5th April, 2006 is transferred and posted as presiding Officer, Fast Track Court, Kullu against a vacant post.

13. Shri A. C. Thalwal, Civil Judge (Sr. Divn.) *cum*-Chief Judicial Magistrate, Bilaspur who has been promoted and appointed as Presiding Officer, Fast Track Court on *ad hoc* basis in the rank of Additional District and Sessions Judge *vide* Government Notification No. Home-B(A) 1/95, dated 5th April, 2006 is transferred and posted as Presiding Officer, Fast Track Court, Hamirpur *vice* Shri S. L. Sharma, Sl. No. 10 above.

14. Shri C. L. Kochhar, Civil Judge (Sr. Divn.) *cum*-Chief Judicial Magistrate, Kinnaur at Reckong Poo, who has been promoted and appointed as Presiding Officer, Fast Track Court on *ad hoc* basis in the rank of Additional District and Sessions Judge *vide* Government Notification No. Home B(A) 1/95, dated 5th April, 2006) is transferred and posted as presiding Officer, Fast Track Court, Una *vice* Shri K. S. Chandel Sl. No. 11 above.

15. Shri A. K. Sharma, Civil Judge (Sr. Divn.) *cum*-Chief Judicial Magistrate, Una who has been promoted and appointed as Presiding Officer, Fast Track Court on *ad hoc* basis in the rank of Additional District and Sessions Judge *vide* Government Notification No. Home B(A) 1/95, dated 5th April 2006 is transferred and posted as Presiding Officer, Fast Track Court, Ghumarwin *vice* Shri R. L. Azad, Sl. No. 9 above.

16. Shri Rajan Gupta, Civil Judge (Sr. Divn.)-cum-Chief Judicial Magistrate, Kullu, who has been promoted and appointed as Presiding Officer, Fast Track Court on *ad hoc* basis in the rank of Additional District and Sessions Judge *vide* Government Notification No. Home B(A) 1/95, dated 5th April 2006 is transferred and posted as Presiding Officer, Fast Track Court, Chamba against vacant post.

Shimla-1, the 17th April 2006

No. HHC/GAZ/14 53/74 IV-7935 59. -In the interest of administration, notification of even number dated 12-4-2006, regarding transfers and postings of the Officers of the cadre of District Judge/Additional District Judge, is modified as under:-

1. Transfer and posting orders of Shri D. K. Sharma, Additional District & Sessions Judge, Shimla, as additional District and Sessions Judge (I) Kangra at Dharamshala, are hereby cancelled. He will now continue as such at Shimla.

2. Shri S. L. Sharma, Presiding Officer, Fast Track Court, Hamirpur (newly promoted and appointed Additional District and Sessions Judge on regular basis, *vide* Notification No. Home-B(A)1-95, dated 5th April, 2006 issued by the Government of Himachal Pradesh, is now transferred and posted as Additional District and Sessions Judge (I), Kangra at Dharamshala instead of Shimla.

BY ORDER OF THE HON'BLE
HIGH COURT OF HIMACHAL PRADESH

Sd/-
Registrar (General)

Shimla-1, the 19th April, 2006

No. HHC/GAZ/14 134/82-III 8196.—Hon'ble the Chief Justice is pleased to order the cancellation of 30 days un-availed earned leave with effect from 31-3-2006 to 29-4-2006 with permission to suffix Sunday falling on 30th April, 2006, already sanctioned *vide* this Registry notification of even number dated 30-3-2006, in favour of Shri Ravinder Parkash, Additional District and Sessions Judge, Una, Himachal Pradesh.

Shimla-1, the 19th April, 2006

No. HHC/Admn. 6(22)/74-VIII 8205. The High Court of Himachal Pradesh in exercise of the powers vested under Section 9(5) of the Code of Criminal Procedure is pleased to authorise the Civil Judge (Sr. Division)-cum-CJM, Chamba to look after the urgent work pertaining to the Court of District and Sessions Judge, Chamba and Presiding Officer, Fast Track Court, Chamba w. e. f. 24-4-2006 to 9-6-2006 with permission to prefix Sunday falling on 23rd April, 2006 and to suffix Second Saturday and Sunday falling on 10th and 11th June, 2006 or until Shri J. S Mahantan, District and Sessions Judge, Chamba returns from leave.

By order,

Sd/-

Registrar General

Shimla-1, the 25/26th April, 2006

No. HHC/GAZ/14-58/75 XI-8787. It is hereby notified for information of the Civil Judges (Junior Division) that the 48th Departmental Examination under Rule 18 of the Himachal Pradesh Judicial Service Rules, 2004 will be held in the premises of the

High Court, Shimla-171091 on the following dates :-

Date	Paper/Subject	Time
Monday June 26, 2006	Criminal Law	10 AM to 1 PM
	Civil Law	2 PM to 5 PM
Tuesday June 27, 2006	Revenue Law-I	10 AM to 1 PM
	Revenue Law-II	2 PM to 5 PM
Wednesday June 28, 2006	Accounts	10 AM to 1 PM
	Constitutional Law	2 PM to 5 PM

By order,

Sd/-
Registrar General,
Secretary Departmental,
Examination Committee.

हिमाचल प्रदेश सरकार

ANIMAL HUSBANDRY DEPARTMENT
CORRIGENDUM

Shimla-2, the 24th April, 2006

No. AHY-A(1)-11/2005. -The name of Veterinary Dispensary Ghoran, Gram Panchayat Ghoran, District Kangra, opened *vide* this Department Notification No. AHY-A(1)-1/2003, dated 30th January, 2004, appearing at Sl. No. 12 (District Kangra) page 2 of aforesaid Notification may be read as Veterinary Dispensary Ghoran, Gram Panchayat Ghoran, District Kangra, Himachal Pradesh.

By order,

Sd/-
Secretary (Animal Husbandry).

सिवाई एवं जन स्वास्थ्य विभाग

अधिसूचनाएं

यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार द्वारा सरकारी ध्वज पर सार्वजनिक प्रयोजन हेतु नामतः * भूमि अर्जन करनी अधिनियम है। मतलब एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिशेख में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अधिनियम है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इसमें सम्बन्धित है या हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों उनके कर्मचारियों और धर्मिका को इलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने तथा उस धारा द्वारा अधिनियम अन्तर्गत सभी अन्य कार्यों को करने के लिए सहस्र अधिकार देते हैं।

4. कोई भी हितवद्ध व्यक्ति, जिसे उक्त परिशेख में कथित भूमि के अर्जन पर कोई आपत्ति हो, तो वह इस अधिसूचना के प्रकाशित होने के तीन दिनों की अवधि के भीतर लिखित रूप में भू-अर्जन समाह्वान, कामडा, हिमाचल प्रदेश लोक निर्माण विभाग के समक्ष अपनी आपत्ति दायर कर सकता है —

* नाथ लुहानी, तहसील भटियाण, जिला चम्बा में जल भण्डार टैंक का निर्माण हेतु।

संख्या सिवाई 11-36/2006-चम्बा।

सिमला-2, 7 अप्रैल, 2006.

विस्तृत विवरणों

जि.पा. चम्बा	तहसील	भटियाण
गोख	समरा नं०	क्षेत्र
1	2	3 4
लुहानी	435/1	0 2

*गांव कुडेर, तहसील भटियात, जिला चम्बा में जल भण्डार टैंक के निर्माण हेतु।

संख्या सिचाई 11-35/2006-चम्बा।

शिमला-2, 7 अप्रैल, 2006.

1	2	3	4
कुडेर ६० नं० 165	15/1	0	8

*गांव ककीरा जरई, तहसील भटियात, जिला चम्बा में पेयजल योजना जल भण्डार टैंक के निर्माण हेतु।

संख्या सिचाई 11-34/2006-चम्बा।

शिमला-2, 7 अप्रैल, 2006.

ककीरा जरई	1016	0	3
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शिमला-2, 27 फरवरी, 2006

संख्या सिचाई 11-2/2006-कांगड़ा। -यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को अपने व्यय पर सार्वजनिक प्रयोजन के लिए नामतः गांव ठाकुर-द्वारा, तहसील इन्दौरा, जिला कांगड़ा में शाहनहर परियोजना बायां किनारा के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निदिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हैं, या हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाक़े की किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा अपेक्षित अथवा अनुमत सभी अन्य कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं।

4. अत्याधिक आवश्यकता को दृष्टि में रखते हुए हिमाचल प्रदेश के राज्यपाल, उक्त अधिनियम की धारा 17 की उप-धारा (4) के अधीन यह भी निर्देश देते हैं कि उक्त अधिनियम की धारा 5-ए के उपबन्ध इस मामले में लागू नहीं होंगे :—

विस्तृत विवरणी

जिला : कांगड़ा तहसील : इन्दौरा

गांव	खसरा नं०	क्षेत्र (हेक्टेयरों में)
1	2	3
ठाकुरद्वारा	378/1	0 00 36
	377/1	0 04 62
	373/1	0 01 50
	345/1	0 00 42
	345/2	0 00 27
	351/1	0 04 65
	315/1	0 00 27
	249/1	0 00 17
	316/1	0 02 36
	379	0 14 64
	350	0 03 12
	316/3	0 02 01
	346	0 00 74
	347	0 00 39
	348	0 00 55
	349	0 02 38
	57	0 06 60
	58/1	0 01 61
	52/1	0 04 41
	52/2	0 02 56
	51/1	0 04 44
	40/1	0 05 82

कुल .. 22

0 63 89

शिमला-2, 7 अप्रैल, 2006

संख्या सिचाई 11-31/2006-शिमला। -यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार द्वारा सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गांव रामपुर, तहसील व जिला शिमला में उठाऊ पेयजल योजना भरावल-तालम-रामपुर के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निदिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हैं या हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाक़े की किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा अपेक्षित अथवा अनुमत सभी अन्य कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं।

4. कोई भी हितबद्ध व्यक्ति जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के 30 दिनों की अवधि के भीतर लिखित रूप में भू-अर्जन समाह्वती, शिमला, हिमाचल प्रदेश लोक निर्माण विभाग के समक्ष अपनी आपत्ति दायर कर सकता है :—

विस्तृत विवरणी

जिला : शिमला तहसील : शिमला (ग्राम)

गांव	खसरा नं०	क्षेत्र बीघा बिस्वा
रामपुर	968	0 8
	969	0 9
	970	15 13
कुल .. 3		17 0

शिमला-2, 7 अप्रैल, 2006

संख्या सिचाई 11-30/2006-सोलन। -यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार द्वारा सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गांव घडसी-ब्राह्मणा, तहसील कसौली, जिला सोलन में उठाऊ पेयजल योजना स्टोरेज टैंक के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है, अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निदिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हैं या हो सकते हैं, की जानकारी के लिए भूमि-अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाक़े की किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा अपेक्षित अथवा अनुमत सभी अन्य कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं।

4. कोई भी हितबद्ध व्यक्ति, जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो, तो वह इस अधिसूचना के प्रकाशित होने के तीस दिनों की अवधि के भीतर लिखित रूप में भू-अर्जन समाह्वती, शिमला, हिमाचल प्रदेश लोक निर्माण विभाग के समक्ष अपनी आपत्ति दायर कर सकता है :—

विस्तृत विवरणी

जिला : सोलन तहसील : कसौली	गांव	खसरा नं०	क्षेत्र बीघा बिस्वा
घडसी-ब्राह्मणा	551		2 1

आदेश द्वारा,

हस्ताक्षरित/-
प्रधान मन्त्री।

LABOUR AND EMPLOYMENT DEPARTMENT
AWARD
NOTIFICATION

Shimla-171 002, the 13th July, 2005

No. Shram (A) 7-1/2005.—In exercise of the powers vested in him under section 17(1) of the Industrial Disputes Act, 1947, the Governor, Himachal Pradesh is pleased to order the publication of Awards in the H. P. Rajpatra announced by the Presiding Officer, Labour Court, Shimla of the following cases :—

Sl. No.	Case No.	Title of the Case
1	2	3
16.	Ref. No. 143/01 RBT No. 170/04	Hoshiar Singh Vs. Chairman, Baba Balak Nath Deot Sidh, District Hamirpur.
17.	Ref. No. 4/01 RBT No. 199/04	Amar Singh Vs. DFO, Bilaspur.
18.	Ref. No. 317/01 RBT No. 149/01	Punjab Singh Vs. Tehsil Palampur Co-operative Marketing and Consumer Society Ltd., Maranda, through its Manager, Tehsil Palampur, District Kangra.
19.	Ref. No. 40/2002 RBT No. 241/04	Mukesh Kumar Vs. XEN, HPPWD, Salooni, District Chamba.
20.	Ref. No. 88/02 RBT No. 151/04	Kuldeep Kumar Vs. Tehsil Palampur Co-operative Society Maranda, Tehsil Palampur.
21.	Ref. No. 119/02 RBT No. 150/04 23-2-2005.	Ramesh Chand Vs. Management of Tehsil Palampur Co-operative and Consumer Society Ltd., Maranda, Tehsil Palampur.
22.	Ref. No. 44/01 RBT No. 29/04	Joginder Pal Vs. XEN, HPSEB, Dharampur, District Mandi.
23.	Ref. No. 72/02 RBT No. 113/04	Manoj Kumar Vs. Manager, Tehsil Co-operative Marketing and Consumer Society Ltd., Maranda, Tehsil Palampur.
24.	Ref. No. 385/02 RBT No. 394/04	Mohan Singh Vs. XEN, HPSEB, Jogindernagar, District Mandi.

By order,

Sd/-
Secretary.

Certified copy of Award dated 16-5-2005 passed by Hon'ble George, Presiding Judge, Labour Court-cum-Industrial Tribunal, Dharamshala, H. P. (Camp at Hamirpur).

Reference No. 143/2001 (RBT No. 170/04)

Instituted on 27-7-2001

Decided on 16-5-2005

Hoshiar Singh son of Shri Krishan Kumar alias Krishan Lal, resident of village Jarjarad, P. O. Pwalli-Jarjari, Tehsil Barsar, District Hamirpur, Himachal Pradesh

Vs.

The Chairman, Baba Balak Nath Temple Trust, Deot Sidh, Tehsil Barsar, cum-Sub-Divisional Officer (Civil) Sub-Division, Barsar, District Hamirpur, Himachal Pradesh.

"Reference under section 10-D of the Industrial Disputes Act, 1947".

For the petitioner : Shri S. S. Sippy, AR

For the respondent : Shri J. C. Kaushal, Advocate.

The following reference has been received for adjudication from the appropriate Government :

"Whether the retrenchment of Shri Hoshiar Singh workman s/o Shri Krishan Kumar, Village Jarjari, P. O. Pwalli Jarjari, Barsar, District Hamirpur, by Chairman, Baba Balak Nath Temple Trust, Deot Sidh, Tehsil Barsar, District Hamirpur, Sub-Divisional Officer, Barsar (Civil) Sub-Division, Barsar, District Hamirpur vide retrenchment order, dated 6-11-1998, complying Section 25 (F) and without complying section 25 (N) of the Industrial Dispute Act, 1947 w. e. f. 16-12-1998 is legal and justified. If not, to what relief of back wages, seniority service benefits and amount of compensation the above workman is entitled to."

2. The petitioner Hoshiar Singh filed his statement of claim seeking relief of re-instatement alongwith consequential relief of back wages and allied service benefits. He claimed that he was employed by the respondent as a "Bijli Karamchari" (Electrician) on 10-3-1997. Though no formal appointment letter was issued yet he was enrolled as such on the muster rolls issued by the respondent in every month during his service tenure with the respondent and he performed the duties of Electrician in order to maintain uninterrupted power supply and maintain electrical appliances for the same. The petitioner further pleaded that he was disengaged from the service by the respondent without adhering to the relevant provisions of law and aggrieved from the order of dis-engagement, the petitioner filed writ petition in the Hon'ble High Court of Himachal Pradesh, which was disposed of on 1-9-1998 and disengagement was declared illegal and void. The petitioner did his duties with the respondent continuously, without any interruption and break in service by providing service as Electrician. The respondent terminated the services of the petitioner w. e. f. 16-12-1998 vide notice dated 6-11-1999 and the petitioner assailed the order of termination by raising an industrial dispute. No settlement could be arrived at between the parties during the conciliation proceedings and the appropriate government referred the matter to this court for adjudication. The petitioner has been terminated from service most illegally, arbitrarily and for patently false reasons as the work which was being performed by the petitioner was of continuous nature and is still continuing. The respondent has victimised the petitioner for no real fault on his part. The respondent with a view to deprive the petitioner from attaining the status of permanent workman, has sacked the petitioner from service to defect and frustrate orders of the Hon'ble High Court of H. P. under the grab of retrenchment. The respondent while terminating the service of the petitioner, has not adhered to the principle of last come first go, as persons juniors to the petitioner have been retained and several fresh hands have been recruited by the respondent after the termination of service of the petitioner namely Shri Kashmir Singh, Vijay Kumar etc. The petitioner further alleged that the respondent has indulged in an unfair labour practice by treating him unfairly and illegally and the order of termination of service is also hit by article 14 of the Constitution besides various provisions of the Industrial Disputes Act. The termination of the petitioner is highly unjust, improper, illegal, void being inoperative in the eyes of law and prayed for re-instatement in service alongwith consequential relief of back wages and allied service benefits.

3. The respondent filed reply raising the preliminary objection that the petitioner was engaged temporarily on daily wages for doing different kind of duties during Navratras mela days without observing codal formalities, on his simple application with verbal direction given to him, that when there will be no work, his services will be terminated. It was a stop gap arrangement only to cope with the additional work which had increased on account of Navratras melas and not

against the sanctioned strength of the Trust BBN Temple Deotsidh, the petitioner was engaged to perform multifarious duties and not as Bijli Karamchhari (Electrician). The petitioner alongwith others had filed civil writ petition under section 226 of the Constitution of India in the Hon'ble High Court of H.P. Shimla. It was held in judgement dated 1-9-1998 announced by the Hon'ble High Court of H.P. Shimla that in case there was no work available to continue engaging the petitioner, in such eventuality the Trust was required to retrench the petitioner by following the provisions of section 25-F of the Industrial Disputes Act, 1947 (Hereinafter referred in short as the Act) and the disengagement of the petitioner as daily wage worker by the Trust except those who have not completed 240 days is set aside and those who have completed 240 days continued to be in the employment of the Trust, as daily wage workers with all consequential benefits, till they are disengaged in accordance with law. There being no work against which the petitioner could be deputed on daily wages, as such, retrenchment notice u/s 25-F of the Act was served upon him vide notice No. 889-TC-SDB dated 6-11-1998 and higher amount of retrenchment compensation Rs. 1530/- was offered to him, though he was entitled to only 15 days salary of every completed year of service, the service of the petitioner was terminated w. e. f. 15-12-1998 after complying with section 25-F of the Act.

4. On merits, the respondent pleaded that the petitioner was engaged purely on temporary basis on his simple application for doing different kind of duties during mela days and not as Bijli Karamchhari (Electrician) as stated, with the verbal directions given to him that when there will be no work, his service will be terminated. The respondent averred that construction work undertaken then, was stayed under the orders of the Civil court, District Judge, Hamirpur, therefore, it was not possible to allot work to the petitioner, and other daily waged employees, who were only engaged on temporary basis considering exigencies of work and need of the hours. Besides, this the main rush of pilgrims in mela days, the petitioner was junior most daily wagger who has been working with breaks intermittently, hence disengaged from services. It is also not admitted as correct that the Hon'ble High Court of H. P. Shimla, vide their judgment dated 1-9-1998 has decided that the disengagement of the petitioner was declared as illegal and void. The respondent denied that the petitioner has been victimised and sacked from service to defeat and frustrate the order of the Hon'ble High Court of H.P. Shimla. The petitioner was engaged for doing different kinds of duties/work, the construction work undertaken then, was stayed under the order of Civil Court, District Judge, Hamirpur, therefore, it was not possible to allot work to him. The respondent also denied that the principle of last come first go has not been adhered to. The respondent denied all other assertions made by the petitioner in the claim petition and prayed for the dismissal of the claim petition.

5. The petitioner filed rejoinder where in the facts pleaded by the respondent in their reply are not admitted as correct and the facts pleaded in the statement of claim re-iterated.

6. On the respective assertions of the parties, the following issues were framed for decision on 25-5-2004:—

1. Whether the retrenchment of petitioner by respondent without complying with the provisions of section 25-F and 25-N of Industrial Disputes Act, 1947 is legal and justified. OPP.

2. If issue No. 1 is not proved, to what relief of service benefits including back wages, seniority and amount of compensation the petitioner is entitled to ? OPP.

3. Relief.

7. For the reasons to be recorded hereinafter my issue-wise findings are as under:—

Issues No. 1
Issue No. 2

Relief

The petition is allowed as per operative part of the award.

REASONS FOR FINDINGS

ISSUE No. 1 and 2.

8. Both these issues being interconnected and interlinked, are taken up together for discussion and decision.

9. The petitioner, Shri Hoshnar Singh, in order to prove both these issues appeared himself as PW1, and he stated that he was engaged as daily waged worker by the respondent w. e. f. 10-3-1997 and he worked as a "Bijli Karamchhari" upto 16-12-1998, thereafter, his services were terminated after retaining his juniors namely; Kashmir Singh, Vijay Kumar, and Vikram Jeet Singh, Ravi Datt Sharma etc. The petitioner has stated that he is un-employed and prayed for his reinstatement with all consequential benefits. In his cross examination he admitted that he was appointed on the muster roll and he also confirmed that he received a notice from the respondent after 10 days of his retrenchment. He admitted that he received a sum of Rs. 1530/- alongwith said notice. But has shown his ignorance on what account this amount has been paid to him by the respondent.

10. To controvert the evidence of the respondent, the respondent has examined Shri Raj Kumar, Junior Assistant Baba Balak Nath Trust, Deot Sidh, Hamirpur who has stated that the petitioner's services were terminated by notice Ex. RW1/A and he was paid an amount of Rs. 1530/- alongwith cheque which was accepted by the petitioner. The petitioner was working as daily waged and his services were terminated after doing all codal formalities. In his cross-examination he has shown his ignorance that the petitioner worked from 10-3-1997 to 16-12-1998. Though he admitted that work against which he was employed is of regular nature and for that the respondent has kept employees. He also admitted that strength of workers and other employees of the respondent, are more than 121 persons. Though he has shown his ignorance about the twenty years master plan of the respondent/trust. He has stated that reason for retrenchment has been shown in the notice Ex. RW1/A. This notice was served upon the petitioner by hand. He has shown his ignorance about the fact that section 25N of the Act, was complied with or not. He has shown ignorance about the fact that juniors to the petitioner were retained at the time when the petitioner was disengaged and are still working in the trust. The perusal of notice Ex. RW1/A reveals that respondent has admitted that the petitioner was working on daily waged basis in the Baba Balak Nath Trust, and doing different jobs in the temple and out side the temple. Cause of retrenchment is also given in the notice i. e. "There is not work against which can be deputed to work on daily wages, therefore, he is retrenched and notice of retrenchment given to the petitioner as his services are no longer required and stands disengaged on 15-12-1998 and he should not report for duty w. e. f. 16-12-1998 onwards. Notices Ex RW1/A also reveals that retrenchment compensation of Rs. 1530/- was also tendered to the petitioner. This retrenchment compensation as it appears from the endorsement on the notice Ex. RW1/A was received by the petitioner on 1-12-1998. As per requirement of section 25F of the Industrial Disputes Act, 1947, under which the respondent issued notice of retrenchment, which reads as under:—

Section 25F

"No workman employed in any industry who has been continuous service for not less than one

year under an employer shall be retrenched by the employer until :

- (a) the workman has been given one month's notice in writing indicating the reason for retrenchment and the period of notice has expired or the workman has been paid in lieu of such notice wages for the period of the notice ;
- (b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months;
- (c) notice in the prescribed manner is served on the appropriate government (or such authority as may be specified by the appropriate Government by notification in the Official gazette ".

11. According to sub-clause (a) of section 25-F, the workman is required to be given one month's notice in writing. It appears that though notice Ex. RW1/A was typed and it was signed on 6-11-1998 but was received by the petitioner on 1-12-1998. It means that the condition of notice of one month, as laid down in sub-clause (a) is not complied with. If the petitioner has received notice on 1-12-1998 and his dis-engagement came into effect from 15-12-1998 or to say 16-12-1998, as such it does not fulfil the condition of one month's notice as laid down in clause (a) of section 25 F.

12. Similarly retrenchment compensation is required to be paid to the workman in a similar manner and as per clause (c), the respondent is required to give notice in a prescribed manner to the appropriate government with regard to the retrenchment of a workman. It appears that the respondent has not complied with the conditions enumerated in section 25-F, (b) & (c) as well which are conditions precedent. The provisions of section 25-F (a), (b) and (c) are couched in mandatory form and non-compliance therewith has the result of rendering the order of retrenchment, void, *abinitio* or non-set.

13. It has come in the evidence of the respondent, as the facts admitted by Shri Raj Kumar (RW1) that the respondent has employed workman more than 121 in number and the fact that the petitioner continued to work not less than one year, is also not in dispute. In these circumstances the respondent was required not only to comply with the mandatory requirement of section 25-F of the Act, but also the provisions contained in Chapter V-B of the Act, as section 25-K reads with section 25-N of the Act and section 25-K and 25-N reads as under :-

Section 25-K :

Application of Chapter V-B (1) the provisions of this Chapter shall apply in an industrial establishment (Not being an establishment of a seasonal character or in which work is performed only intermittently in which not less than one hundred workmen were employed in an average per working day for the preceding twelve months.

- (2) If a question arise whether an Industrial establishment is of a seasonal character or whether the work is performed therein only intermittently the decision of appropriate government thereon shall be final.

Section 25-N:

25-N conditions precedent to retrenchment of Workman :-

No workman employed in any industrial establishment to which this chapter applies who had been in continuous service for not less than one

year under an employer shall be retrenched by that employer until :

- (a) the workman has been given three months notice in writing indicating the reasons for retrenchment and the period of notice has expired or the workman has been paid in lieu of such notice wages, for the period of the notice and
- (b) the prior permission of the appropriate Government or such authority as may be specified by that Government by notification in the official gazette (hereinafter in this section referred to as the specified authority) has been obtained on an application made in this behalf.
- (2) An application for permission under sub-clause (1) shall made by the employer in the prescribed manner stating clearly the reason for the intended retrenchment and a copy of such application shall also be served simultaneously on the workman concerned in the prescribed manner.
- (3) Where an application for permission under sub-section (1) has been made the appropriate Government or the specified authority, after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workman concerned and the person interested in such retrenchment may having regard to the genuineness and adequacy of the reasons stated by the employer the interests of the workmen and all other relevant factors, by order and for reasons to be recorded in writing grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workman.
- (4) Where an application for permission has been made under sub-section (1) and the appropriate Government or the specified authority does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.
- (5) An order of the appropriate Government or the specified authority granting or refusing to grant permission shall subject to the provisions of a sub-section (6) be final and binding on all the parties concerned and shall remain in force for one year from the date of such order.
- (6) The appropriate Government or the specified authority may either on its own motion or on the application made by the employer or any workman review its order granting or refusing to grant permission under sub-section (3) or refer the matter or as the case may be cause it to be referred to, a Tribunal for adjudication.
- (7) Where no application for permission under sub-section (1) is made, or where the permission for any retrenchment has been refused such retrenchment shall be deemed to be illegal from the date on which the notice of retrenchment was given to the workman and the workman shall be entitled to all the benefits under any law for the time being in force as if no notice had been given to him.
- (8) notwithstanding anything contained in the foregoing provisions of this section the appropriate Government may if it is satisfied that owing to such exceptional circumstances as accident in the establishment or death of the employer or the like it is necessary so to do, by order, direct that the provisions of sub-section (1)

shall not apply in relation to such establishment for such period as may be specified in the order.

- (9) Where permission for retrenchment has been granted under sub-section (3) or where permission for retrenchment is deemed to be granted under sub-section (4) every workman who is employed in that establishment immediately before the date of application for permission under this section shall be entitled to receive at the time of retrenchment, compensation which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months."

14. Bare perusal of section 25 K and N reveals that since the respondent has employed more than 100 workmen on an average per working day for the preceding twelve months, therefore, the respondent has required to comply with the mandatory requirement of clause (a) and (b) of sub-section 1 of section 25N of the Act. The respondent has not given three months notice in writing indicating the reason for retrenchment and the period of notice has expired or the workman has been paid in lieu of such notice wages for the period of the notice or prior permission of the appropriate government or such authority as may be specified by notification in the official gazette has been obtained on an application made in this behalf.

15. It is well settled that non-compliance of section 25-N of the Act, automatically results dis-engagement of a workman illegal and un-justified. It is incumbent upon the management to prove that a copy of application as required by section 25-N, was served on the concerned workman. In the present case the respondent has not complied with the required mandatory provisions of section 25-F (a) & (c) and also has not complied with the provisions of section 25-N of the Act and therefore, retrenchment of the petitioner w. e. f. 16-12-1998 as per notice Ex. RW1/A is not only illegal but also un-justified. It appears from the evidence of the petitioner who appears as PW1 that at the time when his services were retrenched w. e. f. 16-12-1998 his juniors workmen namely Kashmir Singh, Vikram Singh, Vijay Kumar, Ravi Dutt Sharma, etc. This fact is not contradicted by the respondent in the cross-examination of the petitioner. Rather, Shri Raj Kumar (RW1) while appearing on behalf of the respondent has shown his ignorance in the last line of his cross-examination by saying that "I cannot say that juniors to the petitioner are working in the Trust", meaning thereby the stand taken by the petitioner that though his services were retrenched but the persons junior to him were retained in service remains un-shuttered. It can safely be concluded on the basis of evidence available on the record that at the time when the services of the petitioner were dis-engaged by the respondent, principle of last come, first go, is not adhered to by the respondent, as such the services of the petitioner were dis-engaged in violation of section 25-G, which reads as under:—

Procedure for retrenchment :

"Where any workman in an industrial establishment who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment in the absence of any agreement between the employer and the workman in this behalf the employer shall ordinarily retrench the workman who was the last person to be employed in that category unless for reasons to be recorded the employer retrenches any other workman."

16. Since the respondent has violated the provisions of section 25-F (a) & (c) and also section 25-N read with section 25-K and 25-G of the Act, therefore, termination of the petitioner w. e. f. 16-12-1998 is illegal and un-justified being violative of the provisions of Industrial Disputes Act, 1947 and since the petitioner has

stated that he remained un-employed from the date of his dis-engagement, therefore, the petitioner becomes entitled for all service consequential benefits including seniority. Both these issues are decided accordingly in favour of the petitioner.

RELIEF:

17. In view of my findings on issues No. 1 and 2 above, since the termination of the service of the petitioner by the respondent is without complying the conditions precedent laid down under section 25-F (a) & (c) as well as section 25-G, H and N of the Act, therefore, the petitioner is entitled for his reinstatement on the same terms and conditions in which he was working prior to his termination. The respondent has not brought on the record that the petitioner was in gainful employment after his retrenchment till date, as such having regard to the entire facts and circumstances of the case, the petitioner is held entitled for all consequential service benefits and back wages to the extent of 50%. The respondent is directed to re-engage the petitioner within a period of 90 days from the date of announcement of this award, failing which the petitioner shall be entitled for full back wages till his re-engagement.

Let a copy of this award be sent to the appropriate Government for publication in the Official Gazette. The file after completion be consigned to record room.

Announced.

Seal.

Sd/-
(GEORGE),
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharmshala (H. P.).

Certified copy of award dated 13-5-2005 passed by Shri George, Presiding Judge, Labour-Court-cum-Industrial Tribunal, Dharamshala, H. P. Camp at Bilaspur

Reference No.	4/2001(RBT No. 199/04)
Instituted on	27-2-2001
Date of award	13-5-2005

Amar Singh s/o Shri Sihanu Ram, Village Fetli (Behal), P.O. Bhehal, Sub-Tehsil Naina Devi Ji, District Bilaspur
.. Petitioner.

Vs.

Divisional Forest Officer, Bilaspur, District Bilaspur (H. P.)
.. Respondent.

"Reference under section 10 of the Industrial Disputes Act, 1947."

For the petitioner: Shri S. S. Sippy, AR
For the respondent: Shri Roop Lal, AR

AWARD

The following reference has been received from the appropriate government for adjudication.

"Whether termination of services of Shri Amar Singh Ex-gardner, w. e. f. 1-7-1997 by the Divisional Forest Officer Bilaspur, District Bilaspur, H. P. without any notice, chargesheet, enquiry and without compliance of section 25 (F) of the Industrial Disputes Act, 1947 on completion of 240 days continuous service as alleged is legal and justified. If not to what relief of consequential service benefits and the amount of compensation Shri Amar Singh is entitled ?"

2. The petitioner filed statement of claim averring that he was employed by the respondent on daily wages in Forest Range Swarghat, Behal Nursery on 1-3-1986 and he continued to work as such till 30-6-1997. Thereafter the respondent terminated the services of the petitioner on 1-7-1997 without any reason, charge sheet,

and notice verbally whereas the persons juniors to the petitioner were retained in service and are still working. The petitioner raised disputed before the labour department, thereafter the petitioner was re-engaged during the year 8/98 and he worked upto 11/98 but the wages for 8/98 to 11/98 have not been paid to the petitioner, which is an unfair labour practice. The petitioner left with no alternative but to serve the demand notice upon the management for illegal termination of the petitioner, hence this reference. The petitioner further alleged that he has put more than 240 days of continuous service in each completed year, as such termination of the services of the petitioner by the respondent w. e. f. 1-7-1997 is illegal and against the mandatory provisions of section 25 F (a) of the Industrial Disputes Act, 1947 (hereinafter referred to as the ACT). Since the petitioner services were terminated and the persons junior to the petitioner are still working, therefore the petitioner's termination is illegal as well as in violation of section 25-G of the Act. The petitioner has prayed for his reinstatement with full back wages and continuity of service.

2. The respondent resisted and contested the claim of the petitioner by filing reply wherein the respondent raised preliminary objections that the petition is not maintainable. On merits, the respondent alleged that there is no record showing that the petitioner had been working with the respondent since 1-3-1986, however, the petitioner was engaged on work w. e. f. 1988 and he worked only 30 days during the year. The respondent denied that the persons juniors to the petitioner are still working. The respondent alleged that the petitioner did not come on work after 30-6-1997 the question of giving payment to the petitioner does not arise. The petitioner did not complete 240 days in any of the year as shown in the mandays chart annexure R-1. The respondent alleged that the respondent has not violated the provisions of section 25 F (a) of the Act, nor section 25G of the Act. The respondent alleged that the daily wages were engaged or dis-engaged as per the requirement of work and it is not the question of securing employment, then the question of violation of provisions of section 25 H of the Act, does not arise. The respondent has prayed for dismissal of the petition with costs.

3. The petitioner filed rejoinder where in the petitioner re-affirmed and reiterated the averments made in the petition and denied the assertions of the respondent made in the reply. On the respective assertions of the parties, the following issues were framed by the court on 24-3-2004.

1. Whether the termination of the service of Shri Amar Singh, petitioner by the respondent is in violation of section 25-F of the Industrial Disputes Act, 1947 as alleged? OPP.
2. If issue No. 1 is proved in affirmative, whether the petitioner is entitled to any consequential benefits and compensation? OPR.
3. Whether the petition is not maintainable? OPR.
4. Relief.

4. For the reasons to be recorded hereinafter my issuewise findings are as under :—

Issue No. 1	Yes,
Issue No. 2	decided accordingly
Issue No. 3	No

Relief

The petition is allowed as per operative part of the award.

(REASONS FOR FINDINGS)

Issues No. 1 and 2.

5. Both these issues being interconnected and interlinked as such they are taken as such they are taken up together for discussion and decision.

6. In order to prove both these issues, the petitioner Amar Singh filed his affidavit Ex. PW1/A, as RW1 wherein he has stated that he was employed by the respondents daily wages basis in forest Range Swarghat, Nursery w. e. f. 1-3-1986 and he continued to work as such till 30-6-1997. His services were terminated by the respondent w. e. f. 1-7-1997, without any reason, charge sheet, inquiry verbally but other workers junior to him namely S/Shri Ravinder Kumar, Baldev Raj, Biru Ram Bansi Ram etc. were retained and they are still working. He further stated that he had put in more than 240 days continuous service in each completed year of service and his mandays chart is duly attested by the Range Officer, which is placed on the record. His services were terminated w. e. f. 1-7-1997 in an illegal and unjustified manner in violation of section 25-F of the Act, and also in violation of the principle laid down in section 25-G of the Act, 'Last come, first go'. The respondent after the disengagement of the petitioner also recruited new hands in place of the petitioner, without affording any opportunity to the petitioner for re-employment in provisions of section 25-H of the Act. The petitioner also stated that since he was dis-engaged by the respondent he is un-employed and his termination is bad in law as neither he was served any notice nor paid retrenchment compensation, therefore, he is entitled for full back wages.

7. The respondent was afforded an opportunity to cross-examine the petitioner but the respondent did not cross-examine the petitioner despite the opportunity was given to him to cross-examine him.

8. The respondent examined one Shri Garja Ram, Deputy Ranger Block Swarghat, District Bilaspur as RW1 on behalf of the respondent, and respondent/ DFO Bilaspur did not appear in the witness box. Shri Garja Ram, while appearing as RW1 has stated that the petitioner had not completed 240 working days during the period he remained working. He was engaged in the nursery as seasonal workman and he was engaged for a period of one month and thereafter he dis-engaged for one month. The workman who has completed 240 working days, their seniority was maintained. The respondent has also brought on the record mandays chart of the petitioner Ex. RX. In the opening line of his cross-examination he admitted that Amar Singh petitioner is known to him and it is correct that Ex. R-2 (yearwise detail of mandays chart of the petitioner) was issued from the department and he confirmed Ex. R-2. He also admitted that notice was not served upon the petitioner at the time when he was dis-engaged nor he was paid any retrenchment compensation.

9. It appears from the mandays chart Ex. R-2 correctness of which is not denied by the RW1 Garja Ram, and it was issued by Range Officer, Swarghat, according to which the petitioner remained working from March, 1986 continuously till June, 1997, and during each year including the year 1986 to 1996 the petitioner has been shown as worked for more than 240 days in each calendar year and during the year 1997 he completed 161 days. The mandays chart Ex. R-2 appears to have been issued by Range Forest Officer, Swarghat Forest Division, Bilaspur. He also verified it to be correct in accordance with Range Officer, Swarghat, the correctness of which is not disputed by Garja Ram (RW1) as he has stated in his cross-examination that Ex. R-2 was issued the department and he confirmed the same. Garja Ram has brought on the record Mandays Chart Ex. R1, which is neither verified nor the person who prepared it his stepped into the witness box to confirm its correctness as per the record where the petitioner continued to work as daily waged worker. It appears from the mandays chart Ex. R-1 that monthwise bifurcation of working days of the petitioner is not mentioned, therefore, it is difficult to conclude as to how many days the petitioner continued to work in the last 12 preceding months before he was dis-engaged from the service, as Ex. R-1 only reveals that the petitioner worked for 212 days in 1996 and 11 days in 1997. It is not in disputes that he petitioner was dis engaged w. e. f. 1-7-1997 and he worked

only for first six months of 1997. Whereas mandays chart Ex R-2 correctness of which is not disputed by RW 1 and it is duly verified with a certificate that the position shown in Ex R-2 with regard to the mandays of the petitioner is correct in accordance with Range Officer, Swarghat. It appears to be more authenticated as compared to mandays chart Ex R-1. The respondent has not brought the original muster rolls of the petitioner to prove that in fact the position as shown in mandays chart Ex R-1 is correct and the position shown in mandays chart Ex R-2 is wrong.

10. After taking into consideration the statement of the petitioner/affidavit Ex. PW1-A he has brought on record as PW1, and fact that the respondent has not cross examined the petitioner and so far that Garja Ram RW1 accepted the correctness of mandays chart Ex. R-2. It appears that the petitioner worked for about 324 days from July, 1996 till June, 1996 i. e. 12 proceeding months before the petitioner was dis-engaged w. e. f. 1-7-1997. Accordingly the petitioner has completed one year continuous service as defined under section 25-B of the Act, and accordingly the petitioner is undoubtedly entitled for safeguard as provided under section 25F of the Act, which reads as under :-

Conditions precedent to retrenchment of workman :-

- (a) the workman has been given one month's in writing indicating the reasons for retrenchment and the period of notice as expired or the workman has been paid in lieu of such notice wages for the period of the notice;
- (b) the workman has been paid at the time of retrenchment compensation which shall be equivalent to fifteen days average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate government (or such authority as may be specified by the appropriate Government by notification in the official gazette.)"

11. It is stated by the petitioner in his affidavit Ex. PW1/A that at the time he was dis-engaged he was not served with any notice nor he was paid retrenchment compensation and this fact has been admitted by Garja Ram (RW1) in his cross-examination. In his cross-examination he admitted that the petitioner was not served with any notice nor any compensation was paid to him. Under these circumstances, it can safely be concluded that services of the petitioner were disengaged by the respondent in violation of the mandatory requirement of section 25-F (a) and (b) of the Act. The conditions enumerated in section 25F are conditions precedent for retrenchment of a workman who has completed continuous service as defined under section 25-B of the Act, the provisions of section 25F are couched in mandatory form and non-compliance therewith has a result of rendering the order of retrenchment void, *ipso facto* or *non-est*. Therefore, the termination of the petitioner is illegal and unjustified. The petitioner has also stated in his affidavit Ex. PW1/A that after his retrenchment he is un-employed and he is entitled for his re-instatement with back wages, whereas the respondent has not cross examined the petitioner that the petitioner remained in any gainful employment after his illegal and unjustified dis-engagement. Under these circumstances the petitioner is definitely entitled for not only for re-instatement but also for all consequential benefits including service.

12. Having regard to the peculiar facts, and circumstances of the case, the petitioner is also entitled for backwages to the extent of 50% as it has held by the Hon'ble Supreme Court in the case titled "Deep Chandra Vs. State of Uttar Pradesh, and another" 2001 I.L.R. 312 as under :-

"When an employee had put in service for more than 240 days in each year for several years whether

his services can be put to an end to without following the procedure prescribed under section 25-F of the Industrial Disputes Act. If there has been violation thereof such an employee will have to be reinstated in his original service on the same terms and conditions in which he was working earlier. If this is the position of law we fail to understand as to how the High Court would have interfered with the award made by Labour Court. The Labour Court, therefore, rightly granted reinstatement with back wages and other consequential benefits".

13. Taking into consideration the facts and circumstances as has been discussed above, as well as the position of law, I am of the considered view that the petitioner under the peculiar facts and circumstances of the case is not only entitled for his re-instatement but also other service benefits. Issues No. 1 and 2 are decided in favour of the petitioner and against the respondent.

Issue No. 3 :

14. The respondent has failed to lead any cogent and convincing evidence to show that the petitioner has not completed the required number of working days and therefore, the provisions of section 25 F of the Act are not attracted, as such the petition is not maintainable. Accordingly, keeping in view my findings on issue No. 1 and 2 above, this issue is also decided against the respondent and in favour of the petitioner.

RELIEF

15. In view of my findings on issue No. 1 and 2 above, the petitioner is entitled for his reinstatement in his original service on the same terms and conditions in which he was working earlier. As consequence the petitioner is also entitled for back wages to the extent of 50% with all consequential service benefits including seniority. The respondent is directed to re-engage the petitioner within a period of 90 days from the date of announcement of this award failing which the petitioner shall be entitled for full back wages after the lapse of period of 90 days as referred to above. The reference is answered accordingly.

16. Let a copy of this award be sent to the appropriate Government for publication in the official gazette. The file after completion be consigned to record room.

Announced
13-5-2005.

Seal.

GEORGE,
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala (H. P.)

Certified copy of Award Passed Shri George, Presiding Judge, Labour Court-cum-Industrial Tribunal, Dharamshala (H. P.)

Reference No. 317/2001 (RBT No. 149/04)
Instituted on 26-12-2001
Decided on 6-6 2005.

Shri Punjab Singh, Patial son of Shri Dhani Ram Patial, P.O. Village & P. O. Dehan, Tehsil Palampur, District Kangra, Himachal Pradesh ... Petitioner.

Vs.

M/s The Tehsil Palampur Co-operative Marketing and Consumer Society Ltd., Maranda through its Manager, Tehsil Palampur, District Kangra ... Respondent.

"Reference under section 10 of the Industrial Disputes Act, 1947"

For the petitioner Shri Vishal Sood, Vice counsel.
For the respondent: Shri Ajay Shorolari, Adv.

AWARD

The following reference has been received for adjudication from the appropriate Government :—

“Whether the termination of the service of workman Shri Punjab Singh Patial s/o Dhani Ram Patial by the Management of the Tehsil Palampur Co-operative Marketing & Consumer Society Ltd. Maranda, Tehsil Palampur w. e. f. 31-01-2000 without complying with the section 25-F of the I. D. Act, 1947 is legal and justified ? If not what relief of service benefits the above workman is entitled to ?”

2. On notice, the petitioner Punjab Singh Patial filed his statement of claim wherein he pleaded that he joined the respondent w.e.f. August 1990 as a Conductor and he was appointed on daily wages as such at Maranda. The petitioner further pleaded that since 1990 he was serving with the respondent society with utmost sincerity and that on 31-10-2000 he received letter to the effect that his service were no longer required by the society. No reasons has been assigned as to why his services are not required especially when the society is not closing its venture. The petitioner averred that he has completed 240 days in the previous calendar year and the respondent had terminated his services without complying mandatory requirements of law as the respondent has not served him with the notice as required under section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred in short as the Act) and as such the reference has been made by the Labour Commissioner. The petitioner averred that no compliance of any provision of the Act has been done by the respondent and thus, his termination is totally arbitrary, discriminatory, illegal in violation of provisions of Act in general and section 25 in particular and thus void *ab initio* and his retrenchment is bad as the respondent is now engaging some other person to perform the duties. The petitioner further averred that the respondent has retained juniors and after his retrenchment he has not been any where gainfully employed. The petitioner therefore, prayed that the petition may kindly be allowed and he may kindly be ordered to be re-instated as a Conductor by revoking the illegal order of his termination dated 31-01-2000 with full back wages with interest and consequential benefits.

3. The respondent contested the claim petition filed by the petitioner and filed written reply wherein raised the preliminary objections that the petition as filed is neither competent nor maintainable before this Hon'ble Court, the petitioner is not entitled to invoke jurisdiction as vested in this Hon'ble Court specially in view of section 92 of the Act, which bars the jurisdiction of the court and in the matter, if petitioner has got some dispute with respect to his engagement/discontinuation, the same can only be adjudicated as per the provisions of the Act and thus, the present petition as filed is liable to be rejected. The respondent further raised the preliminary objection that the petitioner above stated has filed OA No. 2654 of 2001 titled as Manoj Dixit and others Versus State of H. P. and others, which has filed on 16-9-2001, whereas the petitioner appears to have been filed somewhere in the year 2002, the DA earlier in point of time praying the same relief. The petitioner as filed now is not maintainable and thus, the petitioner is estopped by his act, conduct and acquiescence and jurisdiction of two courts cannot be invoked.

4. On merits, the respondent denied all other assertions made by the petitioner in his statement of claim. The respondent further averred that in view of the work which once accrued for which the services of the petitioner were engaged, having ceased in view of the policy of the State of Himachal Pradesh thereby taking a policy decision not to sell a few items through Society, no other source left except to disengage the service of the employees who got rendered surplus. The respondents pleaded that the petitioner not being workman, respondent being not industry, provisions of the Industrial Disputes Act cannot be raised and therefore,

the petitioner filed is not maintainable. The respondent prayed that the petitioner may be dismissed.

5. The petitioner filed rejoinder to the reply filed by the respondent wherein he re-affirmed and re-iterated the assertions made by him in this statement of claim and denied all the leadings made by the respondent in their reply.

6. On the respective assertions of the parties following issues were framed for decision on 5-11-2004 :—

1. Whether the termination of services of the petitioner w. e. f. 31-10-2000 by the respondent is in violation of the provisions of section 25 (F) of the Industrial Disputes Act, 1947 and therefore, void and un-sustainable, as alleged? OPP.
2. If issue No. 1 is proved in affirmative, to what relief the petitioner is entitled to alongwith the service benefits ? OPP.
3. Relief.

7. For the reasons to be recorded hereinafter my issues wise findings are as under :—

Issue No. 1	Yes.
Issue No. 2.	As per operative part of Award.
Relief	The petition is allowed as per operative part of the Award.

REASONS FOR FINDINGS

Issue No. 1 and 2 :

8. Both the issues are inter-connected and hence taken together for discussions and findings.

9. The petitioner Punjab Singh appeared as PW1 and he stated that he joined the services of the respondent w. e. f. August 1990 as daily wage conductor and his services were regularised in the year 1993 as conductor with the respondent. His services were dispensed with by the respondent vide letter EX.PW1/A without assigning any reason. He completed more than 240 days in each calendar year. His services were terminated without compliance of mandatory requirements of law. The respondent have not served any notice as required under section 25 (F) of the Act. Dis-engagement of the petitioner is arbitrary and illegal and as such he is entitled for his re-engagement from the date of his termination. He had not worked anywhere from the date of his termination. He had not worked anywhere from the date of his dis-engagement in any gainful employment. The respondent has engaged some junior persons and they are still in service. The petitioner was engaged in an illegal and arbitrary manner vide order EX. PW1/A w. e. f. 31-10-2000 which is required to be declared as null and void.

10. In his cross-examination, he was put to the suggestion that the respondent is a registered society and have its own by-laws, which he admitted as correct. He also admitted that he alongwith other workers filed a petition before the Administrative Tribunal which was later on dismissed as withdrawn. He was also put to the suggestion that he was engaged as daily wages purely temporary basis to which he replied in the negative. He himself stated that he was engaged as conductor and his services were regularised. However, he had shown his ignorance that the State Government has withdrawn the work that is public distribution functions and other distribution and marketing work from the respondent that and due to the transfer of this work the employees worked with the respondent became surplus. However, he denied that he also became surplus employee. He was also put to the suggestion that the respondent in his cross-examination that he had abandoned the work at

his own to which he replied in the negative. However, he denied that his services were not disengaged in an illegal manner.

11. To controvert the evidence of the petitioner the respondent examined one Shri Rameshwar Singh, Manager of the society who appeared as RW1 and stated that the petitioner along with other employees who were working with the respondent filed an OA before the State Administrative Tribunal in the same case. He also stated that in year 2000 the State Government has withdrawn the P. D. S. and fertilisers distribution work as a policy decision from the respondent society and the respondent society was directed not to sell these articles through the society and therefore, the respondent society left with no source of other work and therefore, the employees of the society became surplus and the Board of Directors of the respondent society left with no chance except to dis-engage the petitioner.

12. In his cross examination, he admitted that the applicant worked as conductor w.e.f. August 1990 till 31-10-2000 as daily wager with the respondent society. Though he tried to clarify that the petitioner worked as workman and according to him workman means a person who works. He also admitted that the applicant worked for more than 240 days in each calendar year with the respondent society and no reasons has been as to why the applicant's services were dis-engaged. He also replied in the negative that the respondent has not employed junior person to the petitioner after his disengagement. He admitted that Shri Bir Bahadur is still working with the respondent as Part Time worker, who is junior to the petitioner. He also admitted that no notice under section 25 (F) of the Act was even issued to the applicant. However, he denied that the petitioner was not illegally disengaged.

13. The stand taken by the petitioner as is emerging from the evidence of the parties as referred to herein above, is that the petitioner who was working as a conductor with the respondent society and worked as from August 1990 till 31-10-2000, his services were dis-engaged by the respondent in violation of the mandatory requirements of Section 25-F of the Act and that after the removal/disengagement of the petitioner his juniors were engaged and they are still working. These facts are not disputed in the cross-examination by Shri Rameshwar Singh, RW1, the only witness examined by the respondent to controvert the claim of the petitioner.

14. Whereas the claim of the respondent as is emerging from the stand taken by the respondent in reply and also the facts stated in the examination in chief and the facts admitted in his cross examination, it appears that the respondent is not denying the fact that the services of the petitioner were dis-engaged without any notice etc. as required under section 25-F of the Act, rather the services of the petitioner were dis-engaged for the reasons that the state Government as a policy decision has withdrawn the P. D. S. and fertiliser work from the respondent society and as such the respondent society left with no work to engage the petitioner, other employees and therefore, the services of the petitioner were dis-engaged.

15. Shri Rameshwar Singh, RW1, has taken another stand while appearing as RW1 on behalf of the respondent that in fact the services of the petitioner were not dis-engaged, rather the petitioner left the job at his own as in the cross examination of the petitioner, he was put to the suggestion that he himself abandoned the work at his own to which he has replied in the negative.

16. From the evidence of the parties there remains no doubt that the petitioner remained working with the respondent and discharged duties of a conductor from August 1990 till the date of his disengagement i.e. 31-10-2000 and a conductor is a workman within the meaning of Section 2 (v) of the Act, as it has been held by the Hon'ble Delhi High Court in case titled "Management of Roneo Vickers India Ltd Vs. Lt. Governor

of Delhi", 1994 L.L.R. 253 (Delhi). As per the statement of the petitioner and the facts admitted by Shri Rameshwar Singh, Manager, RW1 of the respondent Society that the services of the petitioner were not dispensed with after following the procedure as laid down under section 25-F of the act.

17. It has been stated by the petitioner while appearing as RW1 that he worked for 240 days in calendar year of his service and this is not disputed in his cross examination by the respondent. Rather Shri Rameshwar Singh, RW1, has admitted this fact in his cross examination and therefore, the petitioner is held to have continuous service on his credit as per the provisions of Section 25-B of the Act and automatically being a workman the petitioner is entitled for all the protections as provided under section 25-F of the Act, which reads as under :

"25—F Conditions precedent to retrenchment of workman :

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :—

- (a) The workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice ;
- (b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen day's average pay (for every completed year of continuous service) of any part thereof in excess of six months; and
- (c) Notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the official gazette ."

18. The conditions enumerated in section 25-F are the conditions precedent and the provision of section 25-F are couched in mandatory form and non-compliance there with as a result of rendering the order of retrenchment void, *ab initio* or *non est* (State of Rajasthan Vs. Miss Usha Lokwani, 1994 L.L.R. 369 (Raj.). In case titled "Auro Engg. Pvt. Ltd. Vs. R. A. Gadckar", 1992 (1) LLJ 693, Mr. Justice B. N. Srikrishna has explained the consequences of non-compliance of section 25-F of the Act as under :—

"It is settled law that section 25-F of the Act was introduced into the statute book by Parliament as a measure of amelioration. The section is specifically intended to soften the blow of unemployment which would fall upon a workman, who is suddenly deprived of his source livelihood. Considering the constraining and the economy of the country as a whole and that of the industrial units, Parliament has limited this amelioration to what is specifically provided in Clauses (a) and (b) of Section 25-F viz. payment of one month's wages in lieu of notice and retrenchment compensation calculated in accordance with clause (b) of section 25-F, the section imposes as mandatory duty on the employer which is a condition precedent to retrenchment of workman. Consequently contravention thereof, however, slight vitiates the act of retrenchment itself. When a statute mandated a duty as a condition precedent for affecting retrenchment, there is no difficulty in holding that breach of the said condition invalidated the retrenchment and renders it void *ab initio*."

19. And therefore, the termination of the petitioner by the respondent for the reason that the respondent was left with no work due to the change of policy decision by the State Government, has known the consequences for the reason that before dis-engaging the petitioner the respondent was required to follow the mandatory procedure laid down under section 25-F (a), (b) and (c) of the Act. Apparently, from the facts, circumstances and the evidence of the parties, as has been discussed heretofore, the respondent while dis-engaging the services of the petitioner from his service as a conductor of the respondent society, has not followed the mandatory provisions laid down under section 25-F (a), (b), (c) of the Act and therefore, the termination of the petitioner is improper, unjustified and illegal.

20. Consequently, it is claimed by the petitioner while appearing as RWI that though his services were dis-engaged by the respondent, but his juniors were retained in service in violation of the mandatory requirements of section 25-G of the Act.

21. Shri Rameshwar Singh, Manager of the respondent society while appearing as RWI has admitted in his cross examination that the respondent has employed juniors to the applicant after his dis-engagement and Shri Bir Bahadur is still working with the respondent society. He also admitted that Shri Bir Bahadur is junior to the petitioner.

22. In view of the facts as referred to herein above admitted by Shri Rameshwar Singh, RWI, in his cross examination the dis-engagement of the petitioner also appears to be in violation of the principle of last come first go, enunciated under section 25-G of the Act. It has been held by the Hon'ble Supreme Court in case titled "Deep Chandra Vs. State of Uttar Pradesh and Another", 2001 LLR 312, that in case the services of the workman is terminated in violation of the mandatory requirements of section 25-F of the Act, the workman is entitled for his re-instatement on the same terms and conditions. In the present case the observations made by the Hon'ble Supreme Court is as under:—

"When an employee had put in service for more than 240 days in each calendar year for several years whether his services can be put to an end to without following the procedure prescribed under section 25-F of the Industrial Disputes Act. If there has been violation thereof such and employee will have to be re-instated in his original service on the same terms and conditions in which he was working earlier. If this is the position of law, we fail to understand as to how the High Court would have interfered with the award made by the Labour Court. The Labour Court therefore, rightly granted re-instatement with back wages and other consequential benefits".

23. In the present case the petitioner while appearing as PWI has specifically stated that after his disengagement he is un-employed and that he has no work in government or private sector in any gainful employment. Whereas, the respondent had led no evidence on the record that the petitioner remained in any gainful employment after his dis-engagement. The respondent has also led no evidence on the record to show that the petitioner was at fault on account of any reason resulted in his dis-engagement and keeping in view the entire facts, circumstances and evidence on the record, the petitioner is not only entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal, improper and unjustified dis-engagement and therefore, he is also entitled for all consequential service benefits including back wages to the extent of 50%.

24. From the evidence of the respondent also from the cross-examination of the petitioner nothing has come on the record to show that the petitioner was at fault due to any reason for his dis-engagement and therefore, in the

peculiar facts and circumstances of the present case, the petitioner is entitled for lump sum amount of Rs. 2,000/- as litigation expenses. Accordingly, both the issues are decided in favour of the applicant/petitioner and against the respondent.

RELIEF

25. In view of my findings on above issues since the termination of the petitioner is illegal and unsustainable and therefore, the petitioner is held to be entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal termination. The petitioner is also entitled for all consequential service benefits including back wages to the extent of 50%. The petitioner shall also be entitled for a lump sum amount of Rs. 2,000/- as litigation expenses. The respondent is directed to re-engage the petitioner within the period of 90 days from the date of announcement of this award failing which the petitioner shall be entitled for full wages. The reference is answered accordingly.

26. Let a copy of this award be sent to the appropriate government for publication in the official gazette. The file after completion be consigned to the Record-Room.

Announced.

Seal.

GEORGE
Presiding Judge,
Labour Court cum Industrial Tribunal,
Dharamshala, (H.P.).

Certified copy of Award Passed by Shri George, Presiding Judge, Labour Court-cum-Industrial Tribunal, Dharamshala, H. P. (Camp at Chamba)

Reference No.	..	40/2002 (RBT No. 241/04)
Instituted on	..	4-2-2002
Decided on	..	21-5-2005

Shri Mukesh Kumar s/o Shri Baldev Ram, r/o village Diyoga, P. O. Salooni, District Chamba, H. P. ... *Petitioner.*

Vs.

The Executive Engineer, H. P. P. W. D. Division Salooni, District Chamba, H. P. ... *Respondent.*

Reference under section 10 of the Industrial Disputes Act, 1947.

For the petitioner .. Shri T. R. Bhardwaj, AR

For the respondent .. Shri P. C. Malotia, AE, AR

AWARD

The following reference has been received for adjudication from the appropriate Government :—

"Whether the verbal termination w.e.f. 2-99 of Shri Mukesh Kumar s/o Shri Baldev Ram daily wage Beldar by the Executive Engineer, H. P. P. W. D. Division Salooni, District Chamba and practice of giving intermittent breaks during the period 1-7-1995 to 2-99 is legal and justified? If not, to what seniority, service benefit and relief the concerned workman is entitled to."

2. On notice, the petitioner Mukesh Kumar filed his statement of claim wherein he pleaded that he was engaged by the respondent as beldar on daily wages basis from 7/1995 and he worked as such with the respondent with sincerity, honesty and to the entire satisfaction of the respondent. The petitioner further pleaded that he was given illegal intermittent breaks in his service tenure as

beldar by the respondent from 12/1995 to 2/1999 and he was verbally terminated by the respondent in 2/1999 without assigning any reason and without giving any opportunity of being heard and since then he is unemployed. The petitioner averred that by giving intermittent breaks in his service by the respondent, he could not complete 240 days in any calendar year of his service tenure and therefore, he has been deprived of the protection of provisions of section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) and regularisation as per the policy framed by the State Government and thus, his termination is illegal and without any ground. The petitioner further averred that the policy of last come first go has not been followed by the respondent which is against provisions of section 25-G of the Act, as the persons junior to him are still in service of the respondent. The petitioner averred that the intermittent breaks in his service tenure were given just to benefit the junior workmen and hence the act of the respondent is arbitrary, unconstitutional and unjustified and against the public policy. The petitioner claimed that if his services had not been terminated and had not given illegal intermittent breaks, he would have completed 240 days in every calendar year. The petitioner prayed that the intermittent breaks given in his service by the respondent may be ordered to be added in the service tenure and he may be ordered to be re-instated in the service as Beldar with the respondent from the date of his illegal termination i. e. 2/99 with full back wages, seniority and other consequential benefits.

3. The respondent contested the claim petition filed by the petitioner and filed written reply wherein raised the preliminary objections that the present petition of the applicant is not maintainable as no legal or fundamental right of the applicant has ever been infringed in any manner, the applicant has never completed the criteria of 240 days in any of calendar year i. e. from 1995 to 2001, his services were never terminated, retrenched during 2/99, but he left the job at his own accord. He was habitual and remained absent from duty willfully and hence the question of illegal termination of the petitioner during 2/99 is totally false, baseless and away from the truth.

4. On merits, the respondent denied all other assertions made by the petitioner in his statement of claim and averred that the services of the petitioner were never terminated by the respondent during 2/99, but he had left the job at his own accord and no intermittent breaks were given to the applicant. The applicant has never completed the criteria of 240 days in any year from 1995 to 2001 as such there was no need to serve notice under Section 25-F of the Act and thus, the plea of the applicant is totally wrong and therefore, the respondent prayed for the dismissal of the claim petition.

5. The petitioner filed rejoinder to the reply filed by the respondent where in he re-iterated and re-affirmed that pleadings made by him in his statement of claim and denied all other assertions made by the respondent in the reply.

6. On the respective assertions of the parties following issues were framed for decision on 26-5-2004 :-

- Whether the action of termination of petitioner by respondent by giving breaks without complying the provisions of Industrial Disputes Act, 1947 is legal and justified? **OPP.**
- Whether there is violation of provisions of section 25-F and 25-G of I. D. Act, 1947? **OPP.**
- If issue No. 1 is not proved, to what relief of service benefits the petitioner is entitled to? **OPP.**
- Whether the petition is not maintainable as alleged in preliminary objections No. 1? **OPR.**
- Relief.

7. For the reasons to be recorded hereinafter my issue wise findings are as under :-

Issue No. 1	..	No
Issue No. 2	..	Yes
Issue No. 3	..	Yes
Issue No. 4	..	No
Relief	..	The petition is allowed as per operative part of the Award.

REASONS FOR FINDINGS

Issue No. 1, 2 and 3.

8. All the three issues are inter-connected and hence taken together for discussions and findings.

9. The petitioner Mukesh Kumar appeared as PW1 and he stated that he was engaged as daily waged beldar by the respondent in July, 1995 and he worked as such till February, 1999. In February, 1999 his services were dispensed with by the respondent without serving any notice and payment of retrenchment compensation. The respondent used to give him artificial breaks during the aforesaid period so that the petitioner may not be able to complete 240 working days of service in each calendar year. His services were terminated by the respondent in an illegal and un-justified manner. Though he was disengaged, but his juniors were retained and they are still working with the respondent namely Dharmender, Suresh Kumar etc. The petitioner kept on requesting the respondent for his re-instatement and also for not giving him artificial breaks in his service, but of no avail. He also sent a written representation Ex. PA. He also stated that after his dis-engagement w. e. f. February, 1999 he is un-employed and therefore, the entire period of his artificial breaks during the service may be treated on duty and he may be re-instated with full back wages and other consequential benefits.

10. In his cross-examination, he was put to the suggestion that he did not voluntarily join his duty, to which he replied in the negative, rather he stated that he was not allowed to complete 240 days by the respondent. He admitted that he moved the Administrative Tribunal for his illegal dis-engagement.

11. The respondent in order to controvert the evidence of the petitioner examined Shri P. C. Matlotia, Assistant Engineer, as RW1, who has stated that the petitioner was engaged as daily wage beldar w. e. f. July, 1995 to January 2001. The petitioner has not completed 240 days during this period in any year. He has also brought on the record the mandays chart of the petitioner Ex. RW1/A. He also stated that the petitioner used to remain willfully absent and after 2001 the petitioner left the job and he did not turn up. The petitioner was not dis-engaged by the respondent at any point of time.

12. In his cross-examination he admitted that the respondent has not produced the original muster rolls for the period February and March, 1999, in which the name of the petitioner has not been enrolled. He admitted that after conciliation proceedings the petitioner was again engaged and dis engaged. However, he tried to state at his own that the petitioner left the job at his own. He admitted that the original muster rolls he has not brought in evidence on the basis of which the mandays chart Ex. RW1/A was prepared. He also admitted that the name of the applicant has not been enrolled in the muster rolls during the months mentioned in the Ex. RW1/A as blank. The respondent never called any explanation of the petitioner for his willful absence. However, he denied that the petitioner was retrenched, but he admitted that no explanation of the petitioner was called at any point of time. He admitted that no notice has been given to the petitioner, nor any retrenchment compensation was paid nor the permission of the appro-

appropriate Government was obtained. He also admitted that no charge sheet has been served upon the petitioner nor any enquiry has held, nor any opportunity of being heard in person allowed to the petitioner. In the last lines of his cross-examination, he admitted that Shri Dharmender, Suresh etc. are working with the respondent and their date of engagement is October, 1995 and March, 1996 respectively. He also admitted that the respondent has no written proof that the petitioner has left the job of his own.

13. The claim of the petitioner as is emerging from his statement as PW1 is that he was engaged a daily wage by the respondent in July, 1995 and he worked as such till February, 1999 when his services were dis-engaged and also that during this period he was given artificial breaks so that he may not be able to complete 240 days of service in each calendar year of his service. This fact is not contradicted by the cross-examination of the petitioner as PW1.

14. The next claim of the petitioner is that despite the fact that he was dis-engaged by the respondent in an illegal manner without any notice and payment of compensation, but his juniors were retained and they continued to work with the respondent namely Dharmender, Suresh and others. This fact is also not contradicted by the respondent in the cross-examination of the petitioner as PW1. Rather Shri P. C. Matlotia, Assistant Engineer, who appeared as RW1 has admitted in his cross-examination that the name of the petitioner was not enrolled in the muster rolls during the months mentioned/written blank in Annexure R-I, Ex. RW1/A (Mandays chart) which clearly reveals that it was not the fault of the petitioner for not enrolling his name in the muster rolls during the months mentioned/written blank in Mandays chart Ex. RW1/A.

15. It is a settled and established position of law that any artificial breaks if given by an employer in order to defeat the provisions of welfare enactment which amounts to un-fair labour practice and a tactics defeat to the mandatory provisions of law.

16. It is also well settled that the period of cessation work or any artificial breaks given in the service of an employee not due to any fault on the part of the employee always gets calculated as a period of continuous service as defined under section 25-B of the Act. Section 25-B of the Act reads as under :—

“25-B. Definition of continuous service.—For the purpose of this Chapter :—

- (1) A workman shall be said to be in continuous service for a period if he, is for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not legal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman ;
- (2) where workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer ;
- (3) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than :—

- (i) one hundred and ninety days in the case of workman employed below ground in a mine; and
- (ii) two hundred and forty days, in any other case ;”

17. The words “Cessation of work” which is not due to any fault on the part of a workman envisaged by the legislature in sub-section 1 of Section 25-B of the

Act, makes it clear that the cessation of work which is not due to any fault of the workman is to be included for calculating the continuous service of one year as defined under section 25-B of the Act.

18. It appears from the mandays chart Ex. RW1/A that in the last preceding 12 months i.e. before a February 1999, the month in which the services of the petitioner were disengaged by the respondent, the period from March, 1998 till January, 1999, the total number of working days of the petitioner comes to 216-1/2 and if the period of May, 1998, August, 1998 and December, 1998 is taken into account as working days of the petitioner, because the name of the petitioner was not enrolled by the respondent during these three months without any fault on the part of the petitioner are therefore, are liable to be calculated in the period of continuous service that means the total number of working days of the petitioner comes to 216-1/2 plus 93 days, total 309-1/2 days (counting 31 days each for May, August and December, 1998).

19. It is also well established and settled position of law that in computation of period under sub-section (2) of section 25-B of the Act, Sundays and holidays should be taken into account (G. Yadi Reddy V. Brook Bond India Ltd., 1994 LLR 328 (AP) (DB), thus approximately during the period March, 1998 till January, 1999 all Sundays and national holidays if counted towards the working days of the petitioner, that comes not less than 52 days and if this period is taken half of the mark at least 26 days are required to be counted and thus, having regard to the totality of the working days in the light of the evidence and the position of law as has been discussed herein above, the petitioner has completed 216-1/2+93+26, which comes to 335-1/2 working days and therefore, the petitioner is deemed to be in continuous service for period of one year as per the requirement of section 25-B of the Act. Even if for arguments sake the period of 93 days i.e. May, August and December, 1998 are not counted, even then the petitioner appears to have completed more than 240 working days i.e. 215-1/2+26 total 242-1/2 working days, in the last preceding twelve months i.e. March, 1998 to January, 1999.

20. The contention raised on behalf of the respondent that the petitioner has failed to completed 240 working days in each calendar year and therefore, he is not entitled for the protection of mandatory requirements of Section 25-F of the Act, appears to be totally mis-conceived and un-sustainable. Since the petitioner has completed more than 240 working days during the period of 12 calendar months preceding the date of his termination as has been discussed in details herein above, and therefore, the petitioner is entitled for all the safeguards provided under section 25-F of the Act. Section 25-F of the Act reads as under :—

“25-F. Conditions precedent to retrenchment of workmen :—

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice ;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate government (or such authority as may be specified by the appropriate Government by notification in the Official gazette) ”.

21. The petitioner while appearing as PW1 has stated that at the time his services were retrenched in February, 1999, he was not served with any notice nor paid any retrenchment compensation, nor the permission of the appropriate Government was sought. This fact has been admitted by Shri P. C. Matlotia, Assistant Engineer, RW1, in his cross-examination. The conditions enumerated in section 25-F clause a, b and c are conditions precedent and are couched in mandatory form and non-compliance therewith has the result of rendering the order of retrenchment void, *ab initio* or *non est* (State of Rajasthan Vs. Miss Usha Lekhani, 1994 LLR 369 (Raj)).

22. Since the respondent has not complied with any of the mandatory conditions laid down under Section 25-F (a), (b) and (c) of the Act, while disengaging the service of the petitioner and therefore, the dis-engagement of the petitioner is un-justified, illegal void and is liable to be set aside.

23. The next contention of the petitioner is that his services were dis-engaged in February, 1999, however, his juniors namely Dharminder, Suresh and others were retained in service and this aspect of the version given by the petitioner has not been contradicted by the respondent in the cross-examination of the petitioner, rather Shri P. C. Matlotia, RW1, in his cross-examination admitted that the persons namely Dharminder and Suresh are still working with the respondent and their date of engagement is October, 1995 and March, 1996 respectively. Whereas the mandays chart Ex. RW1/A brought on the record by the respondent reveals that the petitioner was engaged in July, 1995 and therefore, there is no doubt left that the petitioner is definitely senior to both these workmen namely Dharminder and Suresh and the dis-engagement of the petitioner is therefore, is violative of section 25-G of the Act. Section 25-G of the Act reads as under :—

"25-G Procedure for retrenchment:—

Where any workman in an industrial establishment who is a citizen of India, is to be retrenched and he belongs to particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category unless for reasons to be recorded the employer retrenches any other workman".

24. In view of the facts deposed by the petitioner as PW1 and which remains un-contradicted and the facts admitted by Shri P. C. Matlotia, RW1, as referred to herein above, the dis-engagement of the petitioner is violative of section 25-G of the Act.

25. The contention raised by the respondent that the petitioner left the job at his own after 2001 appears to be not relevant in the facts and circumstances of the present case for the reason that the reference has been received from the appropriate Government to this court for adjudication as to whether the termination of the petitioner w. e. f. February 1999 by the respondent is legal and justified. The respondent has led no evidence to prove that the petitioner abandoned the job at his own in February, 1999. Otherwise also abandonment of job without any intimation to the employer is a serious mis-conduct for which the workman is required to be proceeded against departmentally instead of dispensing with his services of removing his name from the muster roll automatically.

26. Shri P. C. Matlotia, while appearing as RW1, has admitted in his cross-examination that no notice was given, nor any compensation was paid, nor the petitioner at any point of time was served with any explanation for his absence, nor any enquiry was conducted. The petitioner was also not given an opportunity of being heard in person. All these facts have been admitted by Shri P. C. Matlotia, RW1, in his cross-

examination, which makes it clear beyond all doubts that the respondent has taken the plea of abandonment of job by the petitioner after thought, which has no relevance in the facts and circumstances of the present case. It has been held by the Hon'ble Supreme Court in case titled "Deep Chandra Vs. state of Uttar Pradesh and Another" 2001 LLR 312 that in case any workman is terminated in violation of the mandatory requirements of Section 25-F of the Act, the workman is required to be re-instated on the same terms and conditions in which he was working prior to his illegal termination.

27. The petitioner has claimed that he is unemployed on account of his illegal dis-engagement and the respondent has led no evidence on the record that after the dis-engagement of the petitioner, he is gainfully employed. Under these circumstances, the petitioner is definitely entitled not only for his re-instatement on the same terms and conditions in which he was working prior to his illegal termination, but also for all consequential service benefits including seniority and back wages to the extent of 50%. Accordingly, all the three issues are decided in favour of the petitioner and against the respondent.

Issue No. 4:

28. In view of my findings on issue No. 1 to 3 above, the contention of the respondent that the petition is not maintainable appears to be totally mis-conceived. The petitioner has completed the required number of working days in the last twelve preceding months of his dis-engagement and therefore, the contention raised on behalf of the respondent is without any factual or legal force. Accordingly this issue is also decided in favour of the petitioner and against the respondent.

RELIEF

29. In view of my findings on above issues, since the dis-engagement of the petitioner by the respondent is held to be illegal and un-justified and therefore, the petitioner is entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal termination. The petitioner shall also be entitled for all consequential service benefits including seniority and back wages to the extent of 50%. In the peculiar facts and circumstances of the case, since the petitioner has been put to un-warranted relentless litigation due to no fault on his part, he is also entitled for lump sum amount of Rs. 2000/- as litigation expenses. The respondent is directed to reengage the petitioner within a period of 90 days from the date of announcement of this Award failing which the petitioner shall be entitled for full wages. The State Government, if feels it appropriate, may order proper enquiry and fix accountability on those Officer(s) who are responsible for this "relentless litigation" including the Officer(s) who had peremptorily terminated the petitioner. The reference is answered accordingly.

30. Let a copy of this award be sent to the appropriate Government for publication in the official gazette. The file after completion be consigned to the record room.

Announced.

Seal.

GEORGE,
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala, Himachal Pradesh.

Certified copy of Award dated 6-6-05 passed by Hon'ble Shri George, Presiding Judge, Labour Court-cum-Industrial Tribunal, Dharamshala, Himachal Pradesh

Reference No. : 88/2002 (RBT No. 151/04)
Instituted : 13-3-2002
Decided on : 6-6-2005

Kuldeep Kumar s/o Shri Jagdish Chand, V. P. O. Arja, Tehsil Palampur, District Kangra, Himachal Pradesh

Vs.

The Tehsil Palampur Co-operative Marketing and Consumer Society Ltd. Maranda, through its Manager

Tehsil Palampur District Kangra, Himachal Pradesh.
.. Respondent.

Reference under Section 10 of the Industrial Disputes Act, 1947

* For the petitioner : Shri Vishal Sood, Vice Counsel.
For the respondent : Shri Ajay Sharotari, Adv.

AWARD

The following reference has been received for adjudication from the appropriate government:—

“Whether the termination of the services of ex-daily waged Driver Shri Kuldeep Kumar s/o Shri Jagdish Chand, V. P. O. Arla, Tehsil Palampur, District Kangra, Himachal Pradesh by the Management of the Tehsil Palampur Co-operative Marketing and Consumer Society Ltd. Maranda, Tehsil Palampur, District Kangra, Himachal Pradesh w. e. f. 31-10-2000 without complying with the provisions of Section 25-F of the Industrial Disputes Act, 1947 is legal and justified? If not, what service benefits and reliefs the above workman is entitled to?”

2. On notice, the petitioner Kuldeep Kumar filed his statement of claim wherein he pleaded that he joined the respondent w. e. f. 15-7-1998 as Driver and he was appointed on daily wages as such at Maranda. The petitioner further pleaded that since 1998 he was serving with the respondent society with utmost sincerity and that on 31-10-2000 he received a letter to the effect that his service were no longer required by the society. No reasons has been assigned as to why his services are not required especially when the society is not closing its venture. The petitioner averred that he has completed 240 days in the previous calendar year and the respondent had terminated his services without complying the mandatory requirements of law as the respondent has not served him with the notice as required under Section 25-F of the Industrial Disputes Act, 1947 (herein after referred in short as the Act) and as such, the reference has been made by the Labour Commissioner. The petitioner averred that no complinace of any provision of the Act has been done by the respondent and thus, his termination is totally arbitrary, discriminatory, illegal in violation of provisions of Act in general and Section 25-F particular and thus, void *ab initio* and his retrenchment is bad as the respondent is now engaging some other persons to perform the duties. The petitioner further averred that the respondent has retained his juniors and after his retrenchment he has been any where gainfully employed. The petitioner therefore, prayed that the petition may kindly be allowed and the petitioner may kindly be ordered to be re-instated as a Driver by revoking the illegal order of his termination dated 31-10-2000 with full back wages with interest and consequential benefits.

3. The respondent contested the claim petition filed by the petitioner and filed written reply wherein raised the preliminary objection that the petition as filed neither competent nor maintainable before this Hon'ble Court, the petitioner is not entitled to invoke the jurisdiction as vested in this Hon'ble Court specially in view of Section 92 of the Act, which bars the jurisdiction of the courts and in the matter, if petitioner has got some dispute with respect to his engagement discontinuation, the same can only be adjudicated as per the provisions of the Act and thus, the present petition as filed is liable to be rejected. The respondent further raised the preliminary objection that the petitioner above stated has filed OA No. 2654 of 2001 titled Manoj Dixit and others Versus State of Himachal Pradesh and others, which was filed on 16-9-2001, whereas, the petitioner appears to have been filed somewhere in the year 2002, the OA earlier in point of time praying the same reliefs, the petitioner as filed now is not maintainable and thus, the petitioner is estopped by his act, conduct and acquiescence and jurisdiction of two courts cannot be invoked.

4. On merits, the respondent denied all other assertions made by the petitioner in his statement of claim. The respondent further averred that in view of the work which once accrued for which the services of the petitioner were engaged, having ceased in view of the policy of the State of Himachal Pradesh thereby taking a policy decision not to sell a few items through Society, no other source was left except to dis-engage the services of the employees who get rendered surplus. The respondent pleaded that the petitioner not being workman, respondent being not industry provisions of the Industrial Disputes Act cannot be raised and therefore, the petition filed is not maintainable. The respondent prayed that the petition may be dismissed.

5. The petitioner filed rejoinder to the reply filed by the respondent wherein here-affirmed and reiterated the assertions made by him in his statement of claim and denied all the pleadings made by the respondent in their reply.

6. On the respective assertions of the parties following issues were framed for decision on 5-11-2004:—

1. Whether the termination of services of the petitioner w. e. f. 31-10-2000 by the respondent is in violation of the provisions of section 25-F of the Industrial Disputes Act, 1947 and therefore, void and un-sustainable, as alleged? **OPP.**

2. If issue No. 1 is proved in affirmative, to what relief the petitioner is entitled to alongwith the service benefits? **OPP.**

3. Relief.

7. For the reasons to be recorded hereinafter my issue-wise findings are as under:—

Issue No. 1 .. Yes.

Issue No. 2 .. As per operative part of Award.

Relief .. The petition is allowed as per operative part of the Award.

REASONS FOR FINDINGS

Issue No. 1 and 2:

8. Both the issues are inter-connected and hence taken together for discussions and findings.

9. The petitioner Kuldeep Kumar appeared as PW1 and he stated that he joined the services of the respondent w. e. f. 15-7-1998 as Driver and was appointed on daily wages. His services were dispensed with by the respondent vide letter Ex. PW1/A without any reason. He served with the respondent with utmost sincerity and to the satisfaction of the respondent. He has completed 240 days in each calendar year. His services were terminated without compliance of mandatory requirements of law. The respondent have not served any notice as required under section 25-F of the Act. Dis-engagement of the petitioner is arbitrary and illegal and as such he is entitled for his re-engagement from the date of his termination. He had not worked anywhere from the date of his dis-engagement in any gainful employment. The respondent has engaged some junior persons and they are still in service. The petitioner was dis-engaged in an illegal and arbitrary manner vide order Ex. PW1/A w. e. f. 31-10-2000 which is required to be declared as null and void.

10. In his cross-examination, he was put to the suggestion that the respondent is a registered society and have its own byelaws, which he admitted as correct. He also admitted that he alongwith other workers filed a petition before the Administrative Tribunal which was lateron dismissed as withdrawn. He was also put to the suggestion that he was engaged as daily wage on purely temporary basis to which he replied in the nega-

tive. He had shown his ignorance that the State Government has withdrawn the work that is, public distribution functions, and other distribution and marketing work from the respondent and that due to the transfer of this work the employees worked with the respondent became surplus. However, he denied that he became surplus employee. He was also put to the suggestion by the respondent in his cross-examination that he had abandoned the work at his own to which he replied in the negative. However, he denied that his services were not disengaged in an illegal manner.

11. To controvert the evidence of the petitioner, the respondent examined one Shri. Rameshwar Singh, Manager of the respondent society who appeared as RW1 and stated that the petitioner alongwith some other employees who were working with the respondent filed an OA before the State Administrative Tribunal in the same case. He also stated that in the year 2000 the State Government has withdrawn the P.D.S. and fertilizers distribution work as a policy decision from the respondent society, and the respondent society was directed not to sell these articles through the society and therefore, the respondent society left with no source of other work and therefore, the employees of the society became surplus and the Board of Directors of the respondent society left with no choice except to disengage the petitioner. He also stated that the applicant Kaldeep Kumar was earlier engaged as a Driver on daily rate purely on temporary basis.

12. In his cross-examination, he admitted that the applicant worked as Driver w.e.f. 1998 till 31-10-2000 as daily wage with the respondent society. Though he tried to clarify that the petitioner worked as workman and according to him, workman means a person who works. He also admitted that the applicant worked for more than 240 days in each calendar year with the respondent society and no reason has been as to why the applicant's services were disengaged. He also replied in the negative that the respondent has not employed minor persons to the petitioner after his disengagement. He admitted that Shri. Bir Bahadur is still working with the respondent as Part Time worker, who is junior to the petitioner. He also admitted that no notice under section 25-F of the Act was ever issued to the applicant. However, he denied that the petitioner was not illegally disengaged.

13. The stand taken by the petitioner, as is emerging from the evidence of the parties as referred to hereinabove is that the petitioner who was working as a Driver with the respondent society and worked as such from 1998 till 31-10-2000, his services were disengaged by the respondent in violation of the mandatory requirements of section 25-F of the Act and that after the removal, disengagement of the petitioner his juniors were engaged and they are still working. These facts are not disputed in the cross-examination by Shri. Rameshwar Singh, RW1, the only witness examined by the respondent to controvert the claim of the petitioner.

14. Whereas the claim of the respondent, as is emerging from the stand taken by the respondent in reply and also the facts stated in the examination in chief and the facts admitted in his cross-examination, it appears that the respondent is not denying the fact that the services of the petitioner were disengaged without any notice etc. as required under section 25-F of the Act, rather the services of the petitioner were disengaged for the reason that the State Government as a policy decision has withdrawn the P.D.S. and fertiliser work from the respondent society and as such, the respondent society left with no work to engage the petitioner and other employees and therefore, the services of the petitioner were disengaged.

15. Shri Rameshwar Singh, RW1, has taken another stand while appearing as RW1 on behalf of the respondent that in fact the services of the petitioner were not disengaged, rather the petitioner left the job at his own as in the cross-examination of the petitioner, he was put

to the suggestion that he himself abandoned the work at his own to which he has replied in the negative.

16. From the evidence of the parties, there remains no doubt that the petitioner remained working with the respondent and discharged duties of a Driver from 1998 till the date of his disengagement i.e. 31-10-2000 and a Driver is a workman within the meaning of section 2 (v) of the Act. As per the statement of the petitioner and the facts admitted by Shri. Rameshwar Singh, Manager, RW1, of the respondent society that the services of the petitioner were not dispensed with after following the procedure as laid down under section 25-F of the Act.

17. It has been stated by the petitioner while appearing as PW1 that he worked for more than 240 days in each calendar year of his service and this fact is not disputed in his cross-examination by the respondent. Rather Shri. Rameshwar Singh, RW1, has admitted this fact in his cross-examination and therefore, the petitioner is held to have continuous service on his credit as per the provisions of section 25-B of the Act and automatically being a workman, the petitioner is entitled for all the protections as provided under section 25-F of the Act, which reads as under :

"25-F. Conditions precedent to retrenchment of workmen.

No workmen employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice ;
- (b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (c) no fee in the prescribed manner is served on the appropriate government (or such authority as may be specified by the appropriate Government by notification in the official Gazette)"

18. The conditions enumerated in section 25-F are the conditions precedent and the provisions of the section 25-F are couched in mandatory form and non-compliance therewith has a result of rendering the order of retrenchment void, *ab initio* or noneat (State of Rajasthan Vs. Miss Usha Lokwant, 1994 1 LLR 369 (Raj.) in case titled "Auro Fugg. Pvt. Ltd. Vs. R. A. Gadekar", 1977 (1) 11 J 693, Mr. Justice B. N. Srikrishna, has explained the consequence of non-compliance of section 25-F of the Act, as under :

"It is settled law that section 25-F of the Act was introduced into the statute book by parliament as a measure of amelioration. The section is specifically intended to soften the blow of unemployment which would fall upon a workman, who is suddenly deprived of his source of livelihood. Considering the con training and the economy of the country as a whole and that of the industrial units, Parliament has limited this amelioration to what is specifically provided in clauses (a) and (b) of section 25-F, i.e. payment of one month's wages in lieu of notice and retrenchment compensation calculated in accordance with clause (b) of section 25-F. The section imposes a mandatory duty on the employer which is a condition precedent to retrenchment of workmen. Consequently, contravention thereof, however, slightly vitiates the act of retrenchment, there is no difficulty in holding that breach of the said condition

invalidates the retrenchment and renders it void *ab initio*."

19. And therefore, the termination of the petitioner by the respondent for the reason that the respondent was left with no work due to the change of policy decision by the State Government, has to know the consequence for the reason that before dis-engaging the petitioner the respondent was required to follow the mandatory procedure laid down under section 25-F (a), (b) and (c) of the Act. Apparently from the facts, circumstances and the evidence of the parties, as has been discussed hereinabove, the respondent while dis-engaging the services of the petitioner from his service as a Driver of the respondent society, has not followed the mandatory provisions laid down under section 25-F (a), (b) and (c) of the Act and therefore, the termination of the petitioner is improper, unjustified and illegal.

20. Consequently, it is claimed by the petitioner while appearing as PW1 that though his services were dis-engaged by the respondent, but his juniors were retained in service in violation of the mandatory requirements of section 25-G of the Act.

21. Shri Rameshwar Singh, Manager of the respondent society while appearing as RW1 has admitted in his cross examination that the respondent had employed juniors to the applicant after his dis-engagement and Shri Bir Bahadur is still working with the respondent society. He also admitted that Shri Bir Bahadur is junior to the petitioner.

22. In view of the facts as referred to herein above, admitted by Shri Rameshwar Singh, PW1, in his cross examination, the dis-engagement of the petitioner also appears to be in violation of the principle of last come first go, enunciated under section 25-G of the Act. It has been held by the Hon'ble Supreme Court in case titled "Deep Chandra Vs. State of Uttar Pradesh and Another", 2001 11 R 312, that in case the services of the workman is terminated in violation of the mandatory requirements of Section 25-F of the Act, the workman is entitled for his re-instatement on the same terms and conditions in which he was working prior to his termination alongwith back wages. The observations made by the Hon'ble Supreme Court is as under :

"When an employee had put in service for more than 240 days in each calendar year for several years whether his services can be put to an end to without following the procedure prescribed under section 25-F of the Industrial Disputes Act. If there has been violation thereof such an employee will have to be re-instated in his original Services on the same terms and condition in which he was working earlier. If this is the position of law, we fail to understand and as to how the High Court would have interfered with the award made by the Labour Court. The Labour Court therefore, rightly granted re-instatement with back wages and other consequential benefits.

23. In the present case the petitioner while appearing as PW1 has specifically stated that after his dis-engagement he is not employed and that he has not worked in government or private sector in any gainful employment. Whereas, the respondent had led no evidence on the record that the petitioner remained in any gainful employment after his dis-engagement. The respondent had also led no evidence on the record to show that the petitioner was at fault on account of any reason resulted in his dis-engagement and keeping in view the entire facts, circumstances and evidence on the record, the petitioner is not only entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal, improper and unjustified dis-engagement and therefore, he is also entitled for all consequential service benefits including back wages to the extent of 50 %.

24. From the evidence of the respondent and also from the cross-examination of the petitioner nothing has come on the record to show that the petitioner was at fault due to any reason for his dis-engagement and therefore, in the peculiar facts and circumstances of the present case, the petitioner is held to be entitled for lump sum amount of Rs. 2,000/- as litigation expenses. Accordingly, both the issues are decided in favour of the petitioner and against the respondent.

R I I I I

25. In view of my findings on above issues, since the termination of the petitioner is illegal and unsustainable and therefore, the petitioner is held to be entitled his re-instatement on the same terms and conditions in which he was working prior to his illegal termination. The petitioner is also entitled for all consequential service benefits including back wages to the extent of 50%. The petitioner shall also be entitled for a lump sum amount of Rs. 2000/- as litigation expenses. The respondent is directed to re-engage the petitioner within a period of 90 days from the date of announcement of this award failing which the petitioner shall be entitled for full wages. The reference is answered accordingly.

26. Let a copy of this award be sent to the appropriate government for publication in the official gazette. The file after completion be consigned to the record room.

Announced,
6-6-2005

GEORGE
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala, H. P

Certified Copy of award dated 6-6-2005 passed by
Sh. George, Presiding Judge, Labour Court-cum-Industrial
Tribunal, Dharamshala, H. P.

Reference : No. 119/2002 (RBI No. 150/04)

Instituted : on 16-5-2002

Decided on : 6-6-2005

Shri Ramesh Chand son of Shri Prem Chand, r/o
Village Lower Lambgaon, Tehsil Jaisinghpur, District
Kangra, H. P. Petitioner.

Vs.

The Management of the Tehsil Palampur Co-operative
Marketing and Consumer Society Ltd., Miranda,
Tehsil Palampur, District Kangra, H. P. Respondent.

Reference under Section 10 of the Industrial Disputes
Act, 1947.

For the petitioner : Shri Vishal Sood, Vice Counsel

For the respondent : Shri Ajay Sharotri, Adv.

AWARD

The following reference has been received for adjudication from the appropriate Government :

"Whether the termination of services of Shri Ramesh Chand s/o Shri Prem Chand Village & P. O. Lambgaon Lower, Tehsil Jaisinghpur, District Kangra, H. P. Part-time Chowkidar by the management of the Tehsil Palampur Co-operative Marketing & Consumers Society Ltd. Miranda, Tehsil Palampur, District Kangra w. c. f. 1-11-2000 without complying the provisions of section 25-F of the Industrial Disputes Act, 1947 is legal and justified, if not, what relief and benefits the above workman is entitled to ?"

2. "Whether the demand of Shri Ramesh Chaud, workman for the grant of wages under the Minimum Wages Act, 1947 w.e.f. 12-7-1998 is proper and justified? If so, to what relief Shri Ramesh Chaud workman is entitled to?"

2. On notice, the petitioner Ramesh Chaud filed his statement of claim wherein he pleaded that he joined the respondent w.e.f. 12-7-1998 as Part-time Chowkidar and he was appointed on daily wages as such at Maranda. The petitioner further pleaded that since 1998 he was serving with the respondent society with utmost sincerity and that on 31-10-2000 he received a letter to the effect that his services were no longer required by the society. No reasons has been assigned as to why the services are not required especially when the society is not closing its venture. The petitioner averred that he has completed 240 days in the previous calendar year and the respondent had terminated his services without complying the mandatory requirements of law as the respondent has not served him with the notice as required under section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred in short as the Act) and as such the reference has been made by the Labour Commissioner. The petitioner averred that no compliance of any provision of the Act has been done by the respondent and thus, his termination is totally arbitrary, discriminatory, illegal in violation of provisions of Act in general and Section 25 in particular and thus void *ab initio* and his retrenchment is bad as the respondent is now engaging some person to perform the duties. The petitioner further averred that the respondent has retained his juniors and after his retrenchment he has not been anywhere gainfully employed. The petitioner therefore, prayed that the petition may kindly be allowed as the petitioner may kindly be ordered to be re-instated as a Part-time Chowkidar by revoking the illegal order of his termination dated 30-10-2000 with full back wages with interest and consequential benefits.

3. The respondent contested the claim petition filed by the petitioner and filed written reply wherein raised the preliminary objections that the petition as filed by neither competent nor maintainable before this Hon'ble Court, the petitioner is not entitled to invoke the jurisdiction as vested in this Hon'ble Court specially in view of section 92 of the Act, which bars the jurisdiction of the courts and in the matter, if petitioner has got some dispute with respect to his engagement/discontinuation, the same can only be adjudicated as per the provisions of the Act and thus, the present petition as filed is liable to be rejected. The respondent further raised the preliminary objection that the petitioner above stated has filed OA No. 2654 of 2001 titled Manoj Dixit and others Versus State of H. P. and others, which was filed on 16-9-2001, whereas the petitioner appears to have been filed somewhere in the year 2002, the OA earlier in point of time praying the same reliefs, the petition as filed now is not maintainable and thus the petitioner is estopped by his Act, conduct and acquiescence and jurisdiction of two court cannot be invoked.

4. On merits, the respondent denied all other assertions made by the petitioner in his statement of claim. The respondent further averred that in view of the work which once accepted for which the services of the petitioner were engaged, having ceased in view of the policy of the State of Himachal Pradesh thereby taking a policy decision not to sell a few items through Society, no other source was left except to disengage the services of the employees who got rendered surplus. The respondent pleaded that the petitioner not being workman, respondent being not industry, provisions of the Industrial Disputes Act cannot be relied and therefore, the petition filed is not maintainable. The respondent prayed that the petition may be dismissed.

5. The petitioner filed rejoinder to the reply filed by the respondent wherein he here affirmed and reiterated the assertions made by him in his statement of claim and denied all the pleadings made by the respondent in their reply.

6. On the respective assertions of the parties following issues were framed for decision on 5-11-2004 :

1. Whether the termination of services of the petitioner w.e.f. 1-11-2000 by the respondent is in violation of the provisions of Section 25-F of the Industrial Disputes Act, 1947 and therefore, void and unenforceable as alleged? OPP.

2. If issue No. 1 is proved in affirmative, to what relief the petitioner is entitled to alongwith service benefits? OPP

3. Relief.

7. For the reasons to be recorded herein after my issues-wise findings are as under :-

Issue No. 1.	Yes.
Issue No. 2	As per operative part of Award.
Relief	The petition is allowed as per operative part of the Award.

REASONS FOR FINDINGS

Issue No. 1 And 2:

8. Both the issues are inter-connected and hence taken together for discussions and findings.

9. The petitioner Ramesh Chaud appeared as PW1 and he stated that he joined the services of the respondent w.e.f. 12-7-1998 as Part Time Chowkidar and was appointed on daily wages. His services were dispensed with by the respondent *vide* letter Ex. PW1/A without assigning any reason. He served with the respondent with utmost sincerity and to the satisfaction of the respondent. His services were terminated without compliance of mandatory requirements of Law. The respondent have not served any notice as required under section 25-F of the Act. Dis-engagement of the petitioner is arbitrary and illegal and as such, he is entitled for his re-engagement from the date of his termination. He had not worked anywhere from the date of his dis-engagement in any gainful employment. The respondent has engaged some junior persons and they are still in service. The petitioner was dis-engaged in an illegal and arbitrary manner *vide* order Ex. PW1/A w.e.f. 31-10-2000 which is required to be declared as null and void.

10. In his cross-examination, he was put to the suggestion that the respondent is a registered society and have its own bye laws, which he admitted as correct. He also admitted that he alongwith other workers filed a petition before the Administrative Tribunal which was later on dismissed as withdrawn. He was also put to the suggestion that he was engaged as daily wages on purely temporary basis to which he replied in the negative. He had shown his ignorance that the State Government has withdrawn the work that is public distribution functions and other distribution and marketing work from the respondent that and due to the transfer of this work the employees worked with the respondent became surplus. However, he denied that he became surplus employee. He was also put to the suggestion by the respondent in his cross-examination that he had abandoned the work at his own to which he replied in the negative. However, he denied that his services were not dis-engaged in an illegal manner.

11. To controvert the evidence of the petitioner, the respondent examined one Shri Ramachwar Singh, Manager of the respondent Society who appeared as RW1 and stated that the petitioner alongwith some other employees who were working with the respondent filed an OA before the State Administrative Tribunal in the same case. He also stated that in the year 2000 (11)

State Government has withdrawn the P. D. S. and fertilisers distribution work as a policy decision from the respondent society, and the respondent society was directed not to sell those articles through the society and therefore, the respondent society left with no source of other work and therefore, the employees of the society became surplus and the Board of Directors of the respondent Society left with no chance except to dis-engage the petitioner. He also stated that the applicant Ramosh Chand was earlier engaged as a Chowkidar on daily rated purely on temporary basis.

12. In his cross-examination, he admitted that the applicant worked as Chowkidar *w.e.f.* 1998 till 31-10-2000 as daily wager with the respondent society. Though he tried to clarify that the petitioner worked as workman and according to him workman means a person who works. He also admitted that the applicant worked for more than 240 days in each calendar year with the respondent society and no reasons has been as to why the applicant's services were dis-engaged. He also replied in the negative that the respondent has not employed junior persons to the petitioner after his dis-engagement. He admitted that Shri Bir Baladar is still working with the respondent as Part Time worker, who is junior to the petitioner. He also admitted that no notice under section 25-F of the Act was ever issued to the applicant. However, he denied that the petitioner was not illegally dis-engaged.

13. The stand taken by the petitioner, as is emerging from the evidence of the parties as referred to hereinabove, is that the petitioner who was working as Chowkidar with the respondent society and worked as such from 1998 till 31-10-2000, his services were dis-engaged by the respondent in violation of the mandatory requirements of Section 25-F of the Act and that after the removal/dis-engagement of the petitioner his juniors were engaged and they are still working. These facts are not disputed in the cross-examination by Shri Rameshwar Singh, RWI, the only witness examined by the respondent to controvert the claim of the petitioner.

14. Whereas the claim of the respondent, as is emerging from the stand taken by the respondent in reply and also the facts stated in the examination in chief and the facts admitted in his cross-examination, it appears that the respondent is not denying the fact that the services of the petitioner were dis-engaged without any notice etc. as required under section 25-F of the Act, rather the services of the petitioner were dis-engaged for the reason that the State Government as policy decision has withdrawn the P. D. S. and fertiliser work from the respondent society and as such, the respondent society left with no work to engage the petitioner and other employees and therefore, the services of the petitioner were dis-engaged.

15. Shri Rameshwar Singh, RWI, has taken another stand while appearing as RWI on behalf of the respondent that in fact the services of the petitioner were not dis-engaged, rather the petitioner left the job at his own as in the cross examination of the petitioner, he was put to the suggestion that he himself abandoned the work at his own to which he has replied in the negative.

16. From the evidence of the parties, there remains no doubt that the petitioner remained working with the respondent and discharged duties of a Chowkidar from 1998 till the date of his dis-engagement *i.e.* 31-10-2000 and a Chowkidar is a workman within the meaning of section 2 (s) of the Act. As per the statement of the petitioner and the facts admitted by Shri Rameshwar Singh, Manager, RWI, of the respondent society that the services of the petitioner were not dispensed with after following the procedure as laid down under section 25-F of the Act.

17. It has been stated by the petitioner while appearing as PW1 that he worked for more than 240 days in each calendar year of his service and this fact is not disputed in his cross-examination by the respondent. Rather Shri Rameshwar Singh, RWI, has admitted this fact

in his cross-examination and therefore, the petitioner is held to have continuous service on his credit as per the provisions of section 25-B of the Act and automatically being a workman the petitioner is entitled for all the protection as provided under section 25-I of the Act, which reads as under :

"25-1. Conditions precedent to retrenchment of workmen :

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice ;
- (b) the workman has been paid at the time of retrenchment compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months and
- (c) notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate government by notification in the official Gazette)".

18. The conditions enumerated in section 25-F are the conditions precedent and the provisions of the section 25-F are couched in mandatory form and non-compliance therewith has a result of rendering the order of retrenchment void, *ab initio* or nonest [State of Rajasthan Vs. Miss Usha Lokwan, 1994 11R 369 (Raj.) In case titled "Auro Engg Pvt. Ltd V. R. A. Gudekar", 1992 (1) 11J 693, Mr. Justice B. N. Srikrishna, has explained the consequences of non-compliance of section 25-F of the Act, as under

"It is settled law that Section 25-F of the Act was introduced into the statute book by parliament as a measure of amelioration. The section is specifically intended to soften the blow of an employment which would fall upon a workman, who is suddenly deprived of his source livelihood. Considering the constraining and the economy of the country as a whole and that of the Industrial units, Parliament has limited this amelioration to what is specifically provided in clauses (a) and (b) of section 25-F. *Viz.* payment of one month's wages in lieu of notice and retrenchment compensation calculated in accordance with clause (b) of section 25-F. The section imposes a mandatory duty on the employer which is a condition precedent to retrenchment of workmen. Consequently, contravention thereof, however, slight vitiates the act of retrenchment, there is no difficulty in holding that breach of the said condition invalidates the retrenchment and renders it void *ab initio*."

19. And therefore, the termination of the petitioner by the respondent for the reason that the respondent was left with no work due to the change of policy decision by the state Government, has to know the consequences for the reason that before dis-engaging the petitioner the respondent was required to follow the mandatory procedure laid down under section 25-F (a), (b) and (c) of the Act. Apparently, from the facts, circumstances and the evidence of the parties, as has been discussed hereinabove, the respondent while dis-engaging the services of the petitioner from his service as a Chowkidar of the respondent society, has followed the mandatory provisions laid down under section 25-F (a) (b) and (c) of the Act and therefore, the termination of the petitioner is improper, unjustified and illegal.

20. Consequently, it is claimed by the petitioner, while appearing as PW1 that though his services were dis-

engaged by the respondent, but his juniors were retained in service in violation of the mandatory requirements of section 25-G of the Act.

21. Shri Rameshwar Singh, Manager of the respondent society while appearing as RW1 has admitted in his cross-examination that the respondent had employed junior to the applicant after his dis-engagement and Shri Bir Bahadur is still working with the respondent society. He also admitted that Shri Bir Bahadur is junior to the petitioner.

22. In view of the facts as referred to hereinabove, admitted by Shri Rameshwar Singh, RW1, in his cross-examination, the dis-engagement of the petitioner also appears to be in violation of the principle of last come first go, enunciated under section 25-G of the Act. It has been held by the Hon'ble Supreme Court in case titled "Deep Chandra Vs. State of Uttar Pradesh and Another", 2001 LLR 312, that in case the services of the workman is terminated in violation of the mandatory requirements of section 25-F of the Act, the workman is entitled for his re-instatement on the same terms and conditions in which he was working prior to his termination. In the present case the observations made by the Hon'ble Supreme Court is as under :—

"When an employee had put in service for more than 240 days in each calendar year for several years whether his services can be put to an end to without following the procedure prescribed under section 25-F of the Industrial Disputes Act. If there has been violation thereof such an employee will have to be re-instated in his original service on the same terms and conditions in which he was working earlier. If this is the position of law, we fail to understand as to how the High Court would have interfered with the award made by the Labour Court. The Labour Court therefore rightly granted re-instatement with back wages and other consequential benefits".

23. In the present case the petitioner while appearing as PW1 has specifically stated that after his dis-engagement he is un-employed and that he has no work in Government or private sector in any gainful employment. Whereas, the respondent had led to evidence on the record that the petitioner remains in any gainful employment after his dis-engagement. The respondent has also led no evidence on the record to show that the petitioner was at fault on account of any reason resulted in his dis-engagement and keeping in view the entire facts, circumstances and evidence on the record, the petitioner is not only entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal, improper and unjustified dis-engagement and therefore, he is also entitled for all consequential service benefits including back wages to the extent of 50%.

24. From the evidence of the respondent and also from the cross-examination of the petitioner nothing has come on the record to show that the petitioner was at fault due to any reason for his dis-engagement and therefore, in the peculiar facts and circumstances of the present case, the petitioner is held to be entitled for lump sum amount of Rs. 2,000/- as litigation expenses. Accordingly, both the issues are decided in favour of the petitioner and against the respondent.

RELIEF

25. In view of my findings on above issues, since the termination of the petitioner is illegal and unsustainable and therefore, the petitioner is held to be entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal termination. The petitioner is also entitled for all consequential service benefits including back wages to the extent of 50%. The petitioner shall also be entitled for a lump sum amount of Rs. 2000/- as litigation expenses. The respondent is directed to re-engage the

petitioner within a period of 90 days from the date of announcement of this award failing which the petitioner shall be entitled for full wages. The reference is answered accordingly.

26. Let a copy of this award be sent to the appropriate Government for publication in the official gazette. The file after completion be consigned to the record room.

Announced
6-6-2005.

Seal.

GEORGE
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala.

Certified copy of the award dated 11-5-2005 passed by Hon'ble Shri George, Presiding Judge, Labour Court-cum-Industrial Tribunal, Dharamshala, Camp at Sarkaghat.

Reference No.	:	44.2001 (RBT No 29/04)
Instituted on	:	9-4-2001
Decided on	:	11-5-2005

Shri Joginder Pal son of Shri Milkhi Ram, resident of Village and Post Office Kamlah Fort, Tehsil Sarkaghat, District Mandi, H. P. ... Petitioner.

Versus

The Executive Engineer, H. P. S. E. B. Vidyut, Mandal, Dharampur, District Mandi H. P. ... Respondent.

Reference under section 10 of the Industrial Disputes Act, 1947.

For the petitioner : Shri Jagdish Thakur, Adv.

For the respondent : Shri Sarwan Kumar, Asstt. Eng. AR.

AWARD

The following reference has been received from the appropriate Government for adjudication :—

"Whether the termination of the petitioner by the respondent as per standing orders of H.P.S.E.B. and juniors to the petitioner retained in service and the petitioner was not engaged as per section 25-H and 25-G, is valid and justified? If not to what service benefits the petitioner is entitled to?"

2. The petitioner filed his statement of claim whereby the petitioner alleged that he was engaged by the respondent on daily wages as Beldar in the month of February, 1998 and he remained as such till 20-4-1998 without any break. But the services of the petitioner were terminated by the respondent in the month of April, 1998 without any notice. The services of the petitioner were terminated by the respondent alongwith some persons namely S/Shri Kashmir Singh, Ajit Singh, Dharam Singh and Dharam Pal. The petitioner further alleged that he was again engaged by the respondent in the month of January, 1999 under the H. P. S. E. B. Sub-Division, Dharampur and remained as such till March, 1999 and thereafter all of a sudden the services of the petitioner were terminated by the respondent without complying with the provisions of Rule 14 (2) of the certified standing orders issued by the respondent Board. Despite the fact that as per the aforesaid rules, 10 days notice is necessary for the termination of any workman who has not completed 240 days in a calendar year. The similarly situated person whose services were terminated alongwith the petitioner were re-engaged by the respondent as per the directions of the Hon'ble State Administrative Tribunal. The petitioner further alleged that the respondent engaged the petitioner on perennial nature of work and the same stands available with the respondent. The respondent re-engaged some juniors to the petitioner

and they are still working with the respondent. The petitioner has prayed for setting aside the termination order and seeks directions from the court to re-engage him with all consequential benefits including back wages and seniority etc.

3. On notice the respondent appeared and they contested the claim of the petitioner and filed reply to the statement of claim filed by the petitioner wherein the respondent admitted that the petitioner was engaged as Beldar on daily waged basis for a specific period. The respondent alleged that the services of the petitioner were not terminated by the respondent in the month of April, 1998, as the petitioner has worked under H. P. S. E. B. Sub-Division Sandhol only upto 20th February 1998 and the petitioner was engaged on a specific work and on its completion the petitioner could not be engaged further. The respondent denied that the person juniors to the petitioner were retained in service. The respondent admitted that the similar situated persons were engaged by the respondent as per the directions of the Hon'ble Administrative Tribunal. The respondent prayed for dismissal of the petitioner.

4. The petitioner filed rejoinder, wherein he affirmed and reiterated the averments made in the petition and denied the assertions of the respondent made in the reply.

5. On the respective assertions of the parties, the following issues were framed on 16-7-2002:—

1. Whether termination of services of the petitioner without notice is in violation of the principle of last come first go and thus violative of the certified standing orders and section 25-H and 25-G of the Industrial Disputes Act, 1947 and same is thus illegal? OPP.

2. In case issue No. 1 is proved in the affirmative, whether the petitioner is entitled to compensation and consequential benefits? OPP.

3. Relief.

6. For the reasons to be recorded hereinafter my findings on the aforesaid issues are as under:—

Issue No. 1 ..

Issue No. 2 .. Yes

Relief .. The petition is allowed as per operative part of the award.

REASONS FOR FINDINGS

Issue No. 1 And 2 :

7. Both the issues are inter-connected and hence taken together for discussions and findings.

8. The petitioner has claimed that he was engaged as daily wagger by the respondent in the month of February, 1998 and he worked as such till 20-4-1998. Thereafter, he was disengaged by the respondent along with S/Shri Kashmir Singh, Ajit Singh, Dharam Singh and Dharam Pal. He was re-engaged in January, 1999 and he worked there till March, 1999 and thereafter, all of sudden his services were terminated in violation of provisions of Rule 14 (2) of the certified standing orders framed under the provisions of the Industrial Employment (Standing Orders) Act, 1946, without serving any notice as required under Rule 14 (2) of the said standing orders. He also claimed that the other persons who were disengaged along with him approached the administrative Tribunal and thereafter, they were re-instated. The respondent re-engaged some of the juniors to the petitioner.

9. Whereas, the claim of the respondent is that the petitioner was engaged on daily wages basis for a specific period and the petitioner has worked under

H. P. S. E. B. Sub-Division, Sandhol only upto 20-2-1998 and the petitioner was engaged on a specific work and on its completion the petitioner could not be engaged further.

9. The petitioner Joginder Pal appeared as PW1 and he stated on oath that he was employed as daily wage beldar in H. P. S. E. B. Sub-Division Dharampur/Section at Sandhol on 2-1-1998. He was not issued any employment letter, S/Shri Kashmir Singh, Ajit Singh, Sohan Singh, Dharam Pal etc. were also working with him. Dharam Pal was junior to him who is still working with the respondent. He was retrenched on 4-8-1998 without any notice and payment of retrenchment compensation. He worked for 108 days during the period 2-1-1998 to 4-8-1998. He was also given some fictional breaks during this period. The other persons who were working with him were also retrenched, but later on re-instated as per the orders of the Administrative Tribunal. The work against which he was employed is still continuing.

10. In his cross-examination, he admitted that he worked as per the details given in Ex. R/A and Ex. R/B during the period 2-1-1998 to 4-8-1998. However, he denied that he was engaged against specific work and on completion of which his services were no longer required by the Board, rather he volunteered at his own that he was performing the maintenance duties. He also denied that Dharam Pal was not junior to him.

11. To controvert the statement of the petitioner, the respondent Board examined Shri Suresh Kumar Thakur, Senior Executive Engineer, H. P. S. E. B., Dharampur, as RW1, who has stated that the petitioner was engaged for specific work at Sandhol and Dharampur. Since the specific work completed and the petitioner was dis-engaged as no work left for his re-engagement. He also brought on the record Muster roll Ex. RW1/A to Ex. RW1/F.

12. In his cross-examination, he admitted that at the time the petitioner was engaged no letter of appointment was issued to the petitioner by the respondent to make his appointment for specific work. He admitted that he was not posted at the relevant time at Dharampur and Sandhol, as he joined at Dharampur as Executive Engineer on 11-2-2002. He did not employ the petitioner as daily wage worker. He also showed ignorance as to when the work of 11 KV H. T. Line started and when it was completed. Though he tried to establish that the petitioner was engaged for the specific work of 11 K.V. H. T. Line. He also admitted that the Board has framed the certified standing orders and at the time the services of the petitioner were dis-engaged, the petitioner was not served with the notice as per the clause 14 (2) of the Certified Standing Orders nor any compensation was paid to him. He had also shown his ignorance that as to when Dharam Singh, Sohan Singh joined the board and also whether they are junior to the petitioner or not. He also admitted that after 21-7-1998 no Muster roll was issued for engaging the petitioner for any work. He himself stated that no work was left with the Board.

13. Shri Jagdish Thakur, Adv. has argued that the services of the petitioner were terminated by the respondent in violation of Rule 14 (2) of the Standing Orders framed by the respondents under the provisions of Industrial Employment (Standing Orders) Act, 1946, without serving any notice and payment of retrenchment compensation, as the services of the casual/daily wage worker in H. P. S. E. B. are governed by the standing orders as referred to herein above, and in case where a workman has not completed 240 working days, in that event the services of the workman are required to be dispensed with or terminated as per Rule 14 (2) of the said Standing Orders.

14. Shri Suresh Kumar Thakur, Sr. Executive Engineer, who appeared as RW1, on behalf of the respondent has admitted that the Board has the Standing Orders and at the time the petitioner was dis-engaged, he

was not served with any notice nor paid any retrenchment compensation as per the requirements of Sub-Rule 2 of Rule 14 of the Standing Orders. Since the respondent has not denied that the services of the daily wage worker is governed as per the Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946, and it is also admitted that at the time the services of the petitioner were dispensed with, he was not served with any notice nor paid any retrenchment compensation as per the requirements of Sub-Rule 2 of Rule 14 of the Standing Orders. The retrenchment of the petitioner thus appears to be violative of Standing Orders which is a legal force as it has been framed under the provisions of Industrial Employment (Standing Orders) Act, 1946, violation of which definitely makes the disengagement/termination as illegal and unjustified. Rule 14 of the Standing Orders reads as under :—

“Termination of employment :

- (i) No workman who has been in the continuous service of the H. P. S. E. B. for not less than one year as defined in the Industrial Disputes Act, 1947, shall be retrenched until he has been given one month's notice in writing indicating the reasons for such retrenchment and the period of notice has expired or he has been paid in lieu of such notice, wages for the period of notice or for such period as the notice falls short of one month. And further in this behalf principle of first come last go will be observed. Retrenchment compensation will be payable according to the provisions of the Industrial Disputes Act, 1947.

Explanation.—For the purpose of this clause retrenchment means termination by the H. P. S. E. B. of the services of workman for any reason whatsoever otherwise than as a punishment, inflicted by way of disciplinary action but does not include :—

- (a) Voluntary retirement of the workman, or
 - (b) Retirement of the workman on reaching the age of superannuation which shall ordinarily be 58 years but it can be extended up to 60 years with the sole discretion of management, or
 - (c) Termination of service of 'workman' on grounds of continued ill health, or
 - (d) Termination by way of punishment inflicted pursuant to disciplinary action.
- (ii) In those cases which are not covered by sub clause (i) services of a worker with less than one year's service are terminable by giving ten days notice in writing or pay and allowances in lieu of such notice, even without assigning any reason by either side, by the party, issuing the notice to the party on whom the notice is served. In case of shorter notice an amount equal to the pay and allowance for the period for which notice falls short of the required period shall be payable by party serving the notice, to the other party. In case of workman with more than one year service, 30 days notice will be required. However, no notice is required to be served on a workman for terminating his employment where
- (a) A workman is engaged for a specified period not exceeding one year's continuous employment on one or more spells and in one or more trade
 - (b) An adverse report is received on his character and antecedents from the police or civil authorities,
 - (c) He attains the age of superannuation
 - (d) He is convicted on a criminal charge by a court of law

- (e) It is not expedient in the interest of the security the State to retain him in service
- (f) He is declared medically unfit or he fails to appear before the appropriate medical authority (Appointed for the purpose by the employer) for medical examination, when called upon to do by any person authorised in this behalf.
- (g) He is dismissed (removed or discharged from the service as a measure of punishment.
- (i) The Executive Engineer shall maintain a waiting list of all temporary workmen whose services have been terminated on account of the completion of the work for which they were appointed or on account of the expiry of the period for which they were employed containing the following particulars, namely :

- (i) Their names and address;
- (ii) The nature of work of occupation in which they were employed;
- (iii) The wages paid to them during employment; and
- (iv) The dates of termination of their services.

2. Whenever any vacancy in the Establishment is required to be filled, the persons, the persons included in the waiting list maintained under sub clause (i) (a) shall be given preference after taking into consideration the nature of work done by them while in employment or the occupation in which they were employed and on the basis of the aggregate of their services in the Establishment prior to the termination of their services.

No person whose name is not entered in the waiting list shall be appointed in the Establishment unless all persons included in that list have been provided with employment in the Establishment.

- (h) He is appointed in a regular post
- (i) He absents himself or does not resume duty on the expiry of his leave.
- (j) He is an apprentices.

3. If a workman who has been served with a notice of termination by the H. P. S. E. B. wants to leave the job before the expiry of such notice he may be permitted to do so without being called upon to give any notice or wages in lieu of notice.

4. Every workman shall be entitled to a service certificate at the time of his discharge or leaving service and same shall be given to him on demand. Such certificate shall not be issued to a workman, unless he makes good recoveries outstanding against him (including wages in lieu of notice required to be served by him with reference to clause 14 (1)).

Explanation.—(i) If a workman loses his lien on his appointment under sub-clause (1) of clause 12 considered to have resigned under sub-clause 2 of clause-14 an amount not exceeding (14) fourteen days wages (if lying at the credit of the workman) in lieu of notice which he was required to serve as laid down in clause 14 (2) shall be forfeited to the H. P. S. E. B.

- (ii) If services of a workman stand terminated on the expiry of specified term of appointment, he shall not be deemed to be retrenched under section 2 (oo) of the Industrial Disputes Act, 1947.

15. The bare perusal of sub clause (2) of clause 14 of the Standing Orders as referred to herein above, reveals in those cases which are covered by sub clause (1) the services of workman with less than one year service are terminable by giving ten days notice in writing and pay

and allowances in lieu of such notice and in case of workman with more than one year service, 30 days notice will be required. No doubt that no notice is required to be served on a workman for terminating his employment where a workman is engaged for a specific period not exceeding one year's continuous employment on one or more spells in one or more trade.

16. In the present case, the claim of the respondent is that the petitioner was engaged for a specific period and on the expiry of the said period his services were terminated automatically and he was not required to be served with any notice under sub-clause 2 of Clause 14 of the Standing Orders.

17. The stand taken by the respondent is not supportable from any evidence from the record. The statement of Shri Suresh Kumar Thakur, RWI, is of no help to the respondent to prove this aspect of the case for the reason that he joined as Executive Engineer at Dharampur on 11-2-2002 and he admitted in his cross-examination that the petitioner was not engaged on daily wages by him and he has no knowledge as to when the work of 11 K.V. H. T. Line started and when it was completed. Though he tried to state that the petitioner was engaged for specific work on 11 K. V. H. T. Line, since the respondent has failed to examine any witness as to at what point of time the work of 11 K. V. H. T. line was completed and who engaged the petitioner for this specific work after giving due notice to the petitioner of the same. There appears to be on evidence on the record to support this aspect of the defence taken by the respondent.

18. The respondent has led no evidence to prove that the petitioner was in fact engaged for the specific work i.e. 11 K. V. H. T. Line and also for specific period. In the absence of any evidence to prove this aspect of the case the respondent was legally bound to dis-engage the services of the petitioner in the manner provided under the Standing Orders which is the legal force as the Standing Order have been framed by the respondent under the provisions of Industrial Employment (Standing Orders) Act, 1946. The dis-engagement of the petitioner is violative of sub-clause 2 of clause 14 of the Standing Orders and therefore, is illegal and unjustified.

19. The petitioner while appearing as PW1 has stated that after his dis-engagement he is looking after the family fields which means that the petitioner is not totally un-employed and that he is not earning anything. He has not even led any evidence to state that while looking after his family fields he is not in a position to earn sufficient or that due to his dis-engagement he has suffered any monetary loss and as such, having regard to the totality of the facts, circumstances and evidence as has been referred to hereinabove, the petitioner is entitled for his re-instatement, as his termination is violative of sub clause (2) of Clause 14 of the Standing Orders. But the petitioner is not entitled for any service benefits, accordingly Issue No. 1 and 2 to this extent are decided in favour of the petitioner and against the respondent.

RELIU

20. In view of my findings on above issues, the dis-engagement of the petitioner is held to be violative of sub-clause (2) of clause 14 of the Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946 and therefore, the petitioner is entitled for his re-instatement. But the petitioner shall not be entitled for any service benefits. The respondent is directed to re-engage the petitioner within 90 days from the date of announcement of this award failing which the petitioner shall be entitled for full wages from the expiry of said period. The parties are left to bear their own costs. The reference is answered accordingly.

21. Let a copy of this Award be sent to the appropriate government for publication in the official gazette.

The file after completion be consigned to the record room.

Announced.

Seal.

GEORGE,
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala, Himachal Pradesh

Certified Copy of Award dated 6-6-05 as passed by,
Shri George, Presiding Judge, Labour Court-cum-Industrial Tribunal, Dharamshala, Himachal Pradesh

Reference No. : 72/2002 (RBT No. 113/04).
Instituted on : 4-3-2002.
Decided on : 6-6-2005.

Manoj Kumar s/o Shri Parkash Chand, V. P. O. Gugga Saloh, Tehsil Palampur, District Kangra, Himachal Pradesh
.. Petitioner.

Vs.

Manager, The Tehsil Co-operative Marketing & Consumer Society Ltd., Maranda, Tehsil Palampur, District Kangra, Himachal Pradesh .. Respondent.

Reference under Section 10 of the Industrial Disputes Act, 1947

For the petitioner : Shri Vishal Sood, Adv.
For the respondent : Shri Ajay Shastri, Adv.

AWARD

The following reference has been received for adjudication from the appropriate government:-

"Whether the termination the services of workman Shri Manoj Kumar s/o Shri Parkash Chand by the Management of the Tehsil Palampur Co-operative Marketing & Consumer Society Ltd., Maranda, Palampur, District Kangra, Himachal Pradesh w. e. f. 1-11-2000 without complying with the section 25-F of the Industrial Disputes Act, 1947 is legal and justified? If not, what relief of service benefits the said workman is entitled to?"

2. On notice the petitioner Manoj Kumar filed his statement of claim wherein he pleaded that he is a labourer and covered under the Industrial Disputes Act, 1947 (hereinafter referred in short as the Act) and his termination is without any notice and the same is illegal and in violation to the principle of justice. The petitioner further pleaded that he has completed more than 240 working days and his termination after the continuous and completion of about 8 and half years of service is illegal. The petitioner averred that the respondent is yet managing the business and the employees and officer and even the junior persons are yet in the service as namely Shri Bir Singh was employed by the Management in July 1997 and he is yet in service. The petitioner prayed for his re-instatement with full back wages and seniority from the date of his illegal termination along with interest @18% per annum along with compensation of Rs. 10,000/- for harassment and cost of litigation.

3. The respondent filed reply to the petition filed by the petitioner wherein they pleaded that the respondent society has been registered under Himachal Pradesh Co-operative Society Act and function under the same Act. The petitioner was engaged on daily rates purely temporary basis vide resolution No. 8 dated 18-5-92 and the Act is not applicable on the respondent as the employees of the society are governed by the service rules and bye laws of the society. The respondent averred that prior to the dis-engagement of the petitioner the society was having different type of business about Rs. 25 lacs, but the State Government transferred the entire business to Himachal Pradesh Civil Supplies Corporation & HIMEED and the respondent society

have no business and it was difficult to retain its labour and thus the respondent was forced to dis-engage their labour. The respondent prayed for the dismissal of the claim petition.

4. The petitioner filed rejoinder to the reply filed by the respondent wherein he re-affirmed and re-iterated the pleadings made by him in his statement of claim and denied all other assertions made by the respondent in their reply.

5. On the respective assertions of the parties following issues were framed for decision on 11-8-2004:—

1. Whether the termination of services of petitioner by respondent *w. e. f.* 1-10-2000 without complying with the provisions of Section 25-F of the I. D. Act, 1947 is legal and justified? OPR.
 2. If issue No. 1 is not proved, to what relief of service benefits the petitioner is entitled to? OPP.
 3. Whether the provisions of I. D. Act, 1947 are not applicable, as alleged? OPR.
 4. Relief.
6. For the reasons to be recorded hereinafter my issue-wise findings are as under:—

Issue No. 1	No
Issue No. 2	As per operative part of Award
Issue No. 3	No
Relief	The petition is allowed as per operative part of the Award.

REASONS FOR FINDINGS

Issue No. 1 & 2 :

7. Both the issues are inter-connected and hence taken together for discussions and findings.

8. The petitioner Manoj Kumar appeared as PW1 and he stated that he joined the services of the respondent *w. e. f.* 18-5-1992 as daily wager Salesman and his services were regularised in the year 1993 as Salesman with the respondent. His services were dispensed with by the respondent *vide* letter Ex. PW1/A without assigning any reason. He completed more than 240 days in each calendar year. His services were terminated without compliance of mandatory requirements of law. The respondent have not served any notice as required under Section 25-F of the Act. Dis-engagement of the petitioner is arbitrary and illegal and as such he is entitled for his re-engagement from the date of his termination. He had not worked anywhere from the date of his dis-engagement in any gainful employment. The respondent has engaged some junior persons and they are still in service. The petitioner was dis-engaged in an illegal and arbitrary manner *vide* order Ex. PW1 A *w. e. f.* 31-10-2000 which is required to be declared as null and void.

9. In his cross-examination, he was put to the suggestion that the respondent is a registered society and have its own bye-laws, which he admitted as correct. He also admitted that he alongwith other workers filed a petition before the Administrative Tribunal which was later on dismissed as withdrawn. He was also put to the suggestion that he was engaged as daily wager on purely temporary basis to which he replied in the negative. He himself stated that he was engaged as salesman and his services were regularised. However, he had shown his ignorance that the State Government has withdrawn the work that is public distribution functions and other distribution and marketing work from the respondent that and due to the transfer of this work the employees worked with the respondent became surplus. However he denied that he also became surplus employee. He was also put to the suggestion by the respondent in his cross-examination

that he had abandoned the work at his own to which he replied in the negative. However he denied that his services were not dis-engaged in an illegal manner.

10. To controvert the evidence of the petitioner the respondent examined one Shri Rameshwar Singh, Manager of the respondent society who appeared as RW1 and stated that the petitioner alongwith some other employees who were working with the respondent filed on OA before the State Administrative Tribunal in the same case. He also stated that in the year 2000 the State Government has withdrawn the P. D. S. and fertilisers distribution work as a policy decision from the respondent society, and the respondent society was directed not to sell these articles through the society and therefore, the respondent society left with no source of other work and therefore, the employees of the society became surplus and the Board of Directors of the respondent society left with no course except to dis-engage the petitioner. He also stated that the applicant Manoj Kumar was earlier engaged as a Chowkidar on daily rated purely on temporary basis *vide* letter Ex. RW/4.

11. In his cross-examination, he admitted that the applicant worked as Salesman *w. e. f.* 1998 till 31-10-2000 as daily wager with the respondent society. Though he tried to clarify that the petitioner worked as workman and according to him workman means a person who works. He also admitted that the applicant worked for more than 240 days in each calendar year with the respondent society and no reasons has been as to why the applicant's services were dis-engaged. He also replied in the negative that the respondent has not employed persons to the petitioner after his dis-engagement. He admitted that Shri Bir Bahadur is still working with the respondent as Part time worker, who is junior to the petitioner. He also admitted that no notice under Section 25-F of the Act was ever issued to the applicant. However, he denied that the petitioner was not illegally dis-engaged.

12. The stand taken by the petitioner as is emerging from the evidence of the parties as referred to herein above, is that the petitioner who was working as a Salesman with the respondent society and worked as such from 1998 till 31-10-2000, his services were dis-engaged by the respondent in violation of the mandatory requirement of Section 25-F of the Act and that after the removal/dis-engagement of the petitioner his juniors were engaged and they are still working. These facts are not disputed in the cross-examination by Shri Rameshwar Singh, RW1, the only witness examined by the respondent to controvert the claim of the petitioner.

13. Whereas the claim of the respondent as is emerging from the stand taken by the respondent in reply Para-3 and Para-4, which reads as under and also the facts stated in the examination in chief and the facts admitted in his cross-examination, it appears that the respondent is not denying the fact that the services of the petitioner were dis-engaged without any notice (i.e. as required under Section 25-F of the Act, rather the services of the petitioner were dis-engaged for the reason that the State government as a policy decision has withdrawn the P.D.S. and fertiliser work from the respondent society and as such the respondent society left with no work to engage the petitioner & other employees and therefore the services of the petitioner were dis-engaged:—

Para 3 : "That prior to the dis-engagement of the applicant the society was having different type of business about Rs. 25/- lacs, but the State Government transferred the entire business to Himachal Pradesh Civil Supplies Corporation and HMFED and the respondent society have no business and it was difficult for the society to retain its labour as detail reply has already submitted before the Labour Inspector, Palampur".

Para-4 : "That the respondent was forced to dis-engage their labour and the same have

been disengaged vide resolution No. 4, dated 25-10-2000".

14. Shri Rameshwar Singh, RWI, has taken another stand while appearing as RWI on behalf of the respondent that in fact the services of the petitioner were not disengaged, rather the petitioner left the job at his own as in the cross-examination of the petitioner, he was put to the suggestion that he himself abandoned the work at his own to which he has replied in the negative.

15. From the evidence of the parties there remains no doubt that the petitioner remained working with the respondent and discharged duties of a salesman from 1998 till the date of his dis-engagement i.e. 31-10-2000 and a Salesman is a workman within the meaning of Section 2 (s) of the Act, as it has been held by the Hon'ble Delhi High Court in case titled "Management of Ronco Vickers India Ltd. V Lt. Governor of Delhi", 1994 L. L. R. 253 (Delhi). As per the statement of the petitioner and the facts admitted by Shri Rameshwar Singh, Manager, RWI, of the respondent society that the services of the petitioner were not dispensed with after following the procedure as laid down under Section 25-F of the Act.

16. It has been stated by the petitioner while appearing as RWI that he worked for 240 days in each calendar year of his service and this fact is not disputed in his cross-examination by the respondent. Rather Shri Rameshwar Singh, RWI, has admitted this fact in his cross-examination and therefore, the petitioner is held to have continuous service on his credit as per the provisions of Section 25-B of the Act and automatically being a workman the petitioner is entitled for all the protections as provided under Section 25-F of the Act, which reads as under:—

“25-F : Conditions precedent to retrenchment of workmen:—

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until:—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;
- (b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate government (or such authority as may be specified by the appropriate Government by notification in the official gazette)".

17. The conditions enumerated in Section 25-F are the conditions precedent and the provisions of section 25-F are couched in mandatory form and non-compliance therewith has a result of rendering the order of retrenchment void, *abinitio* or noneat (State of Rajasthan Vs. Miss Usha Lekwani, 1994 LLR 369 (Raj.). In case titled "Auro Engg. Pvt. Ltd. V. R. A. Gadekar", 1992 (1) L. L. J. 693 Mr. Justice B. N. Srikrishna, has explained the consequences of non-compliance of Section 25-F of the Act as under:—

"It is settled law that Section 25-F of the Act was introduced into the statute book by parliament as a measure of amelioration. The Section is specifically intended to soften the blow of unemployment which would fall upon a workman, who is suddenly deprived of his source livelihood. Considering the constraining on the economy of the country as a whole and that of the industrial units, Parliament has limited this amelioration to what is specifically provided

in Clauses (a) and (b) of section 25 F, viz. payment of one month's wages in lieu of notice and retrenchment compensation calculated in accordance with clause (b) of Section 25-F, the section imposes a mandatory duty on the employer which is a condition precedent to retrenchment of workmen. Consequently, contravention thereof, however, slight vitiates the act of retrenchment itself. When a statute mandates a duty as a condition precedent for affecting retrenchment, there is no difficulty in holding that breach of the said condition invalidates the retrenchment and renders it void *abinitio*".

18. And therefore, the termination of the petitioner by the respondent for the reason that the respondent was left with no work due to the change of policy decision by the State Government, has to know the consequences for the reason that before dis-engaging the petitioner the respondent was required to follow the mandatory procedure laid down under Section 25-F (a), (b) and (c) of the Act. Apparently, from the facts, circumstances and the evidence of the parties, as has been discussed herein above, the respondent while dis-engaging the services of the petitioner from his service as a Salesman of the respondent society, has not followed the mandatory provisions laid down under Section 25-F (a), (b) and (c) of the Act and therefore, the termination of the petitioner is improper, unjustified and illegal.

19. Consequently, it is claimed by the petitioner while appearing as RWI that though his services were disengaged by the respondent, but his juniors were retained in service in violation of the mandatory requirements of section 25-G of the Act.

20. Shri Rameshwar Singh, Manager of the respondent society while appearing as RWI has admitted in his cross-examination that the respondent has employed juniors to the applicant after his dis-engagement and Shri Bir Bahadur is still working with the respondent society. He also admitted that Shri Bir Bhadur is junior to the petitioner.

21. In view of the facts as referred to herein above, admitted by Shri Rameshwar Singh, RWI, in his cross-examination, the dis-engagement of the petitioner also appears to be in violation of the principle of last come first go, enunciated under Section 25-G of the Act. It has been held by the Hon'ble Supreme Court in case titled "Deep Chandra Vs. State of Uttar Pradesh and Another, 2001 L L R 312, that in case the services of the workman is terminated in violation of the mandatory requirements of Section 25-F of the Act, the workman is entitled for his re-instatement on the same terms and conditions in which he was working prior to his termination. In the present case the observations made by the Hon'ble Supreme Court is as under:—

"When an employee had put in service for more than 240 days in each calendar year for several years whether his services can be put to an end to without following the procedure prescribed under Section 25-F of the Industrial Disputes Act. If there has been violation thereof such an employee will have to be re-instated in his original service on the same terms and conditions in which he was working earlier. If this is the position of law, we fail to understand as to how the High Court would have interfered with the award made by the labour Court. The Labour Court therefore, rightly granted re-instatement with back wages and other consequential benefits".

22. In the present case the petitioner while appearing as PWI has specifically stated that after his dis-engagement he is unemployed and that he has no work in government or private sector in any gainful employment. Whereas, the respondent had led no evidence on the record that the petitioner remained in any gainful employment after his dis-engagement. The respondent has also led

no evidence on the record to show that the petitioner was at fault on account of any reason resulted in his dis-engagement and keeping in view the entire facts circumstances and evidence on the record, the petitioner is not only entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal, improper and un-justified dis-engagement and therefore, he is also entitled for all consequential service benefits including back wages to the extent of 50%.

23. From the evidence of the respondent and also from the cross-examination of the petitioner nothing has come on the record to show that the petitioner was at fault due to any reason for his dis-engagement and therefore, in the peculiar facts and circumstances of the present case, the petitioner is held to be entitled for lump sum amount of Rs. 2000/- as litigation expenses. Accordingly, both the issues are decided in favour of the petitioner and against the respondent.

Issue No. 3 :

24. It has been argued on behalf of the respondent side that the provisions of I. D. Act are not applicable in the present case as the petitioner does not fall within the meaning of workman. This aspect of the case has already been dealt by me as referred to herein above and it is settled position of law that a Salesman is a workman within the definition of workman as per section 2 (s) of the Act and has been settled in case titled Management of Roneo Vickers India Ltd. V. Lt. Governor of Delhi". 1294 L L R 253 (Delhi) and accordingly, the contention raised on behalf of the respondent that I. D. Act is not applicable in the facts and circumstances of the present case is unsustainable. Accordingly, this issue is also decided in favour of the petitioner and against the respondent.

RELIEF

25. In view of my findings on above issues, since the termination of the petitioner is illegal and unsustainable and therefore, the petitioner is held to be entitled for his re-instatement on the same terms and conditions in which he was working prior to his illegal termination. The petitioner is also entitled for all consequential service benefits including back wages to the extent of 50%. The petitioner shall also be entitled for a lumpsum amount of Rs. 2000/- as litigation expenses. The respondent is directed to re-engage the petitioner within a period of 90 days from the date of announcement of this award failing which the petitioner shall be entitled for full wages. The reference is answered accordingly.

26. Let a copy of this award be sent to the appropriate government for publication in the official gazette. The file after completion be consigned to the record room.

Announced.
6-6-2005
Seal.

GEORGE,
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala, Himachal Pradesh.

Certified Copy of Award dated 1-6-05 Passed by
Shri George Presiding Judge, Labour Court-cum-Industrial Tribunal, Dharamshala Himachal Pradesh

Reference No. 385/2002 (RBT No. 394 04).
Instituted on 16-12-2002.
Decided on 1-6-2005.

Shri Mohan Singh son of Shri Mani Ram, r/o Village Jimjma, P. O. Dul. Tehsil Jogindernagar, District Mandi, Himachal Pradesh.
Petitioner/workman

Vs.

The Executive Engineer, H. P. S. E. B., Electrical Division, Jogindernagar, District Mandi, Himachal Pradesh.
Respondent/Management.

"Reference under Section 10 of the Industrial Disputes Act, 1947".

For the petitioner Shri N. L. Koundal, A. R.
For the respondent Shri J. S. Chauhan, Adv.

AWARD

The following reference has been received from the appropriate government for adjudication.

"क्या मोहन सिंह दैनिक वेतन बेलदार को अधिशासी अभियन्ता, हि० प्र० राज्य विद्युत बोर्ड मण्डल, जोगिन्दरनगर द्वारा बिना किसी कारण औद्योगिक विवाद अधिनियम 1947 का धारा 25 जी व 25-एच की अनुपालना किए बिना नौकरी से दिनांक 21-10-1999 को निकाला जाना वैध है या अवैध ? यदि नहीं तो कामगार किस राहत एवं क्षतिपूर्ति का हकदार है ?"

2. The petitioner filed statement of claim, averring that he was engaged as daily waged Beldar on muster-rolls w. e. f. 25-2-1999 and he remained as such till 20-10-1999. Thereafter the services of the petitioner were dispensed with by the respondent vide verbal order and without any notice, chargesheet, enquiry or sort of compensation under clause 14 (2) of the Certified Standing Order of the H. P. S. E. B. framed for its employees. The petitioner approached the respondent time and again for his re-employment but the respondent gave no response. Thereafter the petitioner raised demand notice to the respondent on 6-12-2011 under the Industrial Disputes Act. The petitioner further alleged that the respondent engaged him on muster rolls and he had worked upto 20-10-1999 and during this period the respondent engaged and dis-engaged the petitioner without any reason, as such the petition covered under the definition of continuous service within the meaning of section 25-B (I) of the Industrial Disputes Act, 1947. The service of the petitioner dis-engaged and the persons juniors to the petitioner were retained in service and therefore, the respondent has violated the provisions of section 25-G and H, of the Act, 1947. The petitioner has prayed for his reinstatement with full back wages including continuity of services.

3. The respondent resisted and contested the claim of the petitioner by filing reply, wherein the respondent raised preliminary objection stating that the petition is not maintainable, the petition is barred by limitation, the petition is bad for mis-joinder and non-joinder of necessary parties. On merits, the respondent admitted to the extent that the petitioner was initially engaged as Beldar on daily wages basis w. e. f. 25-2-1999 and remained depolyed as such upto 20-10-1999 with certain interruption and wilful absence of the petitioner. The averments that the respondent has given artificial breaks for 305 days between the period from 25-2-99 to 20-10-99 is wrong, as the petitioner remained wilful absent from the duties. The respondent averred that the respondent has not dispensed with the services of the petitioner, rather the petitioner left the job on his own. The respondent admitted that the petitioner served a notice for re-engagement in service but owing to non-availability of works and funds with the respondent, his request was not acceded to. The respondent stated that the work men namely Man Singh Prithi Chand, Seffi Mohammad and Durga Dass retained in service as they did not leave the job. The respondent alleged that the respondent has not breached any clause of Standing Orders framed by the H. P. S. E. B. The respondent has prayed for dismissal of the petition with costs.

4. The petitioner filed rejoinder wherein the petitioner reinstated and re-affirmed the averments made in the petition and denied the allegations of the respondent made in the reply.

5. On the respective assertions of the parties, the following issues were framed on 16-1-2004 :

1. Whether the termination of services of the petitioner by the respondent w.e.f. 21-10-99 is

violative of the provisions of I. D. Act, 1947, and certified Standing Orders framed by State Electricity Board ? OPR.

2. Whether the petition is not maintainable ? OPR.

3. Whether the petition is not barred by time ? OPR.

4. Whether the petitioner is estopped from filing the petition due to his act and conduct ? OPR.

5. Relief.

5. For the reasons to be recorded hereinafter my findings issuewise are as under:—

Issue No. 1 .. Yes.

Issue No. 2 .. No.

Issue No. 3 .. No.

Issue No. 4 .. No.

Relief The petition is allowed as per operative of the award.

REASONS FOR FINDINGS

Issue No. 1 :

6. The petitioner Mohan Singh, appeared as PW1 and he stated that he was engaged as Bldar by the respondent w. e. f. 25-2-1999 and he worked as such till 20-10-1999 and his services were dispensed with by the respondent by verbal order dated 21-10-1999 without any notice, charge sheet, and payment of compensation. After his services were dispensed with by the respondent, the respondent has retained number of junior persons to the petitioner namely Saffi/Mohad, Pritni Chand, and Gian Chand etc. He also stated that some new persons were also employed by the respondent namely; Om Parkash, Raj Kumar, Sanjay Kumar and Birbal. He also stated that he approached the concerned J. E. for his re-employment and he was told that as and when the work will be available he will be called for duty but he was not called. He did not abandon the job at his own. In his cross-examination he was put to a suggestion that he was not retrenched by the respondent, rather he himself abandoned the job on 20-10-1999, when he replied in the negative. He also denied that he left the job as he got another job with better emoluments.

7. To controvert the statement made by the petitioner respondent examined Shri V. S. Thakur, Asstt. Engineer, H. P. S. E. B., Sub division, Sundernagar, Mandi, as RW1, who has stated that the petitioner was engaged as daily waged by the respondent on 25-2-99 and he worked as such till 20-10-99 with certain breaks. He was not dis-engaged, rather he himself left the job at his own. We also Stated that the petitioner was not given any artificial breaks and no junior persons to the petitioner were employed. However, in his cross-examination, he admitted that neither the petitioner was employed on work by him nor dispensed with his services by him. He has made statement as per the record. He also admitted that the Board has certified Standing Orders, which is applicable to the employees of H. P. S. E. B. He also admitted in his cross-examination that no terms and conditions were settled and no appointment letter was issued to the petitioner at the time of his engagement. He admitted that the case is between the petitioner and the Executive Engineer, and he is not a party to the case. He further admitted that the name of the persons mentioned in the seniority list at Sl. No. 112 to 122 date of their joining has been shown against their names. He also admitted that muster roll vide which the petitioner was dis-engaged is not brought in evidence by the respondent.

8. The claim of the petitioner is that he worked from 25-2-1999 to 20-10-1999 and his services were dispensed with by the re-spondent by verbal order dated 21-10-99 without any notice, charge sheet and payment of

compensation. After his dis-engagement he continued to meet the Junior Engineer for his re-employment but the concerned J. E. told that he will be re-engaged as and when the work will be available, but he was not engaged.

9. The claim of the respondent is that the petitioner worked from 25-2-1999 to 20-10-1999 with breaks and he was not dis-engaged by the respondent but he voluntarily abandoned the job on 20-10-1999 and did not turn up for duty as he got another job with better emoluments.

10. It is admitted fact that the petitioner worked with the respondent as daily waged beldar w. e. f. 25-2-99 to 20-10-1999. The only point of dispute is that whether the petitioner was dis-engaged w. e. f. 21-10-1999 by the respondent or he voluntarily left the job at his own as he got a better job with better emoluments.

11. The petitioner while appearing as FW1 has stated that he was dis-engaged w. e. f. 21-10-99 without any notice, charge sheet, and payment of compensation and he continued to approach the concerned J. E. who told him that he will be re-engaged as and when the work will be available but of no avail. The respondent has not examined any witness who was in charge of the petitioner at the relevant time i. e. during the year 1999 to prove that in fact, the petitioner was not dis-engaged and he himself voluntarily abandoned the job. Shri V. S. Thakur, (RW1) has admitted in his cross-examination that neither he kept the petitioner on work nor he dis-engaged him. He has made the statement on the basis of record. However, no such record has been brought in evidence on behalf of the respondent. The mandays chart Ex. RW1/ C is brought on the record by the respondent which supports the version of the petitioner. RW1 has admitted that the respondent has certified standing orders applicable to the employees of the H. P. S. E. B., according to clause 14 of the certified standing orders framed under the provisions of the Industrial Employment standing orders Act, 1946 deals with termination of employee/ workman and sub-clause (2) of clause 14 of the said Standing Order, reads as under:—

14.2 In these cases which are not covered by sub-clause (i) services of a worker with less than one year's service are terminable by giving ten days notice in writing or pay and allowances in lieu of such notices, even without assigning any reason by either side by the party issuing the notice to the party on whom the notices to the party on whom the served. In case of shorter notice an amount equal to the pay and allowances for the period for which notice falls short of the required period shall be payable by part, serving the notice to the other party. In case no notice is required to be served on a workmen with more than one years service, 30 days notice will be required. However, no notice is required to be served upon a workman for terminating his employment where :

- A workman is engaged for a specified period not exceeding one year's continuous employment on one or more spells and in one or more trade.
- An adverse report is received on his character and antecedents from the police or civil authorities.
- He attains the age of superannuation.
- He is convicted on a criminal charge, by a court of law.
- It is not expedient in the interest of the security of the state to retain him in service.
- He is declared medically unfit or he fails to appear before the appropriate medical authority (appointed for the purpose by the employer) for medical examination, when called upon to do by any person authorised in this behalf.

(g) He is dismissed, removed or discharged from the service as a measure of punishment, service have been terminated on account of the completion of work for which they were appointed or on account of completion of the work for which they were appointed or on account of the expiry of the period for which they were employed containing the following particulars, namely:

- (i) Their names and addresses,
- (ii) The nature of work or occupation in which they were employed.
- (iii) the wages paid to them during employment; and
- (iv) the dates of termination of their services.

(2) Whenever any vacancy in the Establishment is required to be filled, the persons, the persons included in the waiting list maintained under sub-clause (i) (a) shall be given preference after taking into consideration the nature of work done by them while in employment or the occupation in which they were employed and on the basis of the aggregate of their services in the Establishment prior to the termination of their services, No person whose name is not entered in the waiting list shall be appointed in the Establishment unless all persons included in that list have been provided with employment in the Establishment.

- (h) He is appointed in a regular post.
- (i) He absents himself or does not resume duty on the expiry of his leave.
- (j) He is an apprentice.

12. According to terms of sub-clauses 2 of clause 14 of the Standing orders, the service of a workman with less than one year service, are terminable by giving 10 days notice in writing or pay and allowances in lieu of such notice. It is admitted fact that services of the petitioner were not dis-engaged as per terms of sub-clause 2 of clauses 14 of the Standing orders. The Certified Standing orders since has been framed under the provisions of Industrial Employment (Standing Orders) Act, 1946, therefore, it has the parity with the provisions of the Industrial Disputes Act, 1947 and the protection afforded to workman under section 25-F of the Industrial Disputes Act, is applicable for the workman who has completed one year continuous service. Sub-clause 1 of clause 14 of the certified Standing orders is parallel to the section 25-F of the Industrial Disputes Act, where as sub-clause 2 clause 14 of the standing orders deals with procedure for dis-engagement of workman in the H P S. E. B. who has less than one year service at his credit.

13. The stand taken by the respondent that the petitioner has abandoned the job at his own, but the respondent has led no evidence to prove this aspect of the case. Shri V. S. Thakur, Asstt. Engineer while appearing as RWI, has stated that he has not kept the petitioner nor he dis-engaged him, as such his evidence is of no help to the respondent to prove the factual position. Though he tried to prove that he is making statement on the basis of record but he has not produced any record to prove his such version. Whereas statement of the petitioner to the effect that after his dis-engagement he continued to approach the respondent/J. E. and he assured him that as and when the work will be available he will be engaged. It appears from the record that the petitioner was dis-engaged w. e. f. 21-10-1999 and he raised industrial dispute immediately and the matter was referred by labour Officer, on 6-6-2002 to the Labour Commissioner, who sent the same to appropriate forum/ Labour Court for adjudication vide letter dated 11-12-2002. The factum of abandonment of the job is a question of fact the burden of proving of which lies on the respondents, but the respondent has not led any evidence to prove the

same, and accordingly, dis-engagement of the petitioner is violative of sub-clause 2 of clause 14 of the Certified Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946 applicable to the State Electricity board, and therefore, dis-engagement of the petitioner is illegal and un-justified and is liable to be quashed. This issue is decided in favour of the petitioner and against the respondent.

Issue No. 2 to 4 :

14. The respondent has neither led any evidence in support of any of these three issues nor any arguments were advanced on behalf of the respondent during the course arguments. Otherwise also, in view of my findings issue No. 1 above, and on the basis of evidence as has been discussed above, the respondent has failed to prove that the petition is not maintainable, the same is barred by limitation and the petitioner is estopped from filing the petition due to his own act and conduct. Accordingly, all the three issues are decided in favour of the petitioner and against the respondent.

RELIEF

15. In view of my findings on above issues, the dis-engagement of the petitioner by the respondent w. e. f. 21-10-1999 being violative of sub-clause 2 of clause 14 of the Standing orders, as such illegal and void, therefore, liable to be quashed. The petitioner is entitled for his re-instatement on the same terms and conditions in which he was working earlier to his retrenchment. However, keeping in view the peculiar facts and circumstances of the case the petitioner shall not be entitled for any consequential service benefits including back wages. The respondent is directed to re-engage the petitioner within a period of 90 days from today i. e. 1-6-2005, failing which the petitioner shall be entitled for full back wages. The reference is answered accordingly.

Let a copy of this award be sent to the appropriate Government for publication in the official gazette. The file after completion be consigned to record room.

Announced.
1-6-2005
Seal.

GEORGE,
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala, Himachal Pradesh.

Shimla-171002, the 19th April, 2006

No. 1(A)3-8/91-Shram.-In partial modification of this Department Notification of even number dated 7-7-2004 and in exercise of the powers vested in him under section 9 and 10(1) of the Himachal Pradesh Shops and Commercial Establishment Act, 1969 (Act No. 10 of 1970). The Governor of Himachal Pradesh is pleased to fix the Sunday as weekly close day (instead of Tuesday) for the Mall Road, Tibetan Market and Lakkar Bazar Shopping Complex covered under the said Act with immediate effect.

The opening and closing hours of these Shops and Commercial Establishments as well as interval for rest will remain same through out the year i.e. both in Summer and Winter Seasons as notified earlier vide notification dated 7-7-2004 referred to above.

By order,

Sd/-
Secretary (Lab. & Emp.).

विधि विभाग

आदेश

शिमला-2, 25 अप्रैल, 2006

महोदय एल० एल० आर०-ई (9) 14/2005-लेज-क्यांकि श्री स्वतन्त्र कुमार, अधिवक्ता को इस विभाग की अधिमचना सख्या एल० एल० आर०-ई (9) 14/96-लेज, तारीख 9-3-1999 द्वारा जिला कुल्लू के प्रांतीय उप-मण्डल के लिए पब्लिक नोटरी के रूप में नियुक्त किया गया था और उनका नाम नोटरी के रजिस्टर में क्रम सख्या 97 पर प्रविष्ट किया गया था;

श्रीर क्यांकि श्री स्वतन्त्र कुमार ने अपने व्यवसाय प्रमाण-पत्र की समाप्ति की तारीख से छः मास से भी अधिक समय के पश्चात् तारीख 10-1-2006 को तीन वर्ष की और अवधि के लिए व्यवसाय के प्रमाण-पत्र के नवीकरण हेतु आवेदन किया था,

और क्यांकि श्री स्वतन्त्र कुमार नोटरी पब्लिक समाप्त हुई अवधि के दौरान नोटरी अधिनियम, 1952 और तद्धीन बनाए गए नियमों के उपबन्धों के उल्लंघन में इस प्रकार निरन्तर व्यवहार करते रहे,

श्रीर क्यांकि श्री स्वतन्त्र कुमार को कारण बताओ नोटिस दिया गया था और उस द्वारा किए गए कार्य के विरुद्ध उस द्वारा लिया गया अपील सतोषप्रद नहीं पाया गया;

अतः हिमाचल प्रदेश के राज्यपाल, नोटरी अधिनियम, 1952 की धारा 10(बी) के साथ पठित नोटरी नियम, 1956 के नियम 13(12)(बी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री स्वतन्त्र कुमार नोटरी पब्लिक को 23 जून, 2005 से 22 जून, 2006 तक नोटरी पब्लिक के रूप में व्यवसाय करने से निलम्बित करने के आदेश देते हैं।

आदेश द्वारा,

हस्ताक्षरित/-
प्रधान सचिव (विधि)।

[Authoritative English text of this department Notification No. LLR-E(9)-14/2005-Leg, dated 25th April, 2006 as required under clause (3) of Article 348 of the Constitution of India]

LAW DEPARTMENT

ORDER

Shimla-2, the 25th April, 2006

No. LLR-E(9)-14/2005-Leg.—Whereas Shri Swantra Kumar, Advocate was appointed as Notary Public for Anj Sub-Division of Kullu district vide this Department Notification No. LLR-E(9) 14/96-Leg., dated 9-3-1999 and his name was entered at Serial No. 97 of Register of Notaries;

And whereas Shri Swantra Kumar, Notary Public has applied for the renewal of certificate of practice for further period of three years on 10-1-2006 i. e. after lapse of more than six months from the date of expiry of his certificate of practice;

And whereas Shri Swantra Kumar, Notary Public continued to practise as such during the expiry period, in contravention of the provisions of Notaries Act, 1952 and rules framed thereunder;

And whereas show cause notice was served upon Shri Swantra Kumar, and the defence taken by him against his actions has not been found satisfactory;

Now, therefore, the Governor of Himachal Pradesh in exercise of powers conferred by section 10(d) of the Notaries Act, 1952 read with rule 13(12)(b) of the

Notaries Rules, 1956 is pleased to order the suspension from practice as Notary Public of Shri Swantra Kumar, Notary Public w. e. f. 23rd June, 2005 to 22nd June, 2006.

By order,

Sd/-
Principal Secretary (Law).

बहुदेशीय परियोजनाएं एवं विद्युत विभाग

अधिमचनाएं

शिमला-2, 21 अप्रैल, 2006

सख्या विद्युत-छ-(5) 30/2005. यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विद्युत परिषद् जो कि भूमि धर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी० सी०) के अन्तर्गत एक सरकार के स्वामित्व और नियन्त्रण के अधीन एक नियम है, के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन हेतु नामतः उप-मृदाजल हरबार, तहसील मबर, जिला बिलासपुर, हिमाचल प्रदेश में 33/11 की० बी० सब स्टेशन बेरी के निर्माण हेतु भूमि अधिजित करनी अति आवश्यक प्रपेक्षित है। अतएव एतद्वारा यह घोषित किया जाता है कि नीचे विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का धर्जन प्रपेक्षित है।

2 भूमि धर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों की सूचना हेतु घोषणा की जाती है और उक्त अधिनियम की धारा 7 के उपबन्धों के प्रधीन भूमि धर्जन समाह्वती, हिमाचल प्रदेश राज्य विद्युत बोर्ड, थिसल बैंक भवन, शिमला-3, हिमाचल प्रदेश को उक्त भूमि के धर्जन के लिए आवक लेने का एतद्वारा निर्देश दिया जाता है।

3. इसके प्रातिरक्त उक्त अधिनियम की धारा 17 की उप-धारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश के राज्यपाल यह निर्देश देते हैं कि अत्याधिक आवश्यक मामला होने के कारण भू-धर्जन समाह्वती, हिमाचल प्रदेश राज्य विद्युत बोर्ड, थिसल बैंक भवन, शिमला-3, हिमाचल प्रदेश उक्त अधिनियम की धारा 9 की उप-धारा 1 के अधीन नोटिस के प्रकाशन से 15 दिन की अवधि समाप्त होने पर पंचाट देने से पूर्व भूमि का कब्जा ले सकता है।

4 भूमि का रेखांक भू-धर्जन समाह्वती, हिमाचल प्रदेश राज्य विद्युत बोर्ड, थिसल बैंक भवन, शिमला-3, हिमाचल प्रदेश के कार्यालय में निरीक्षण किया जा सकता है।

विवरणां

जिला : बिलासपुर	तहसील : सदर
बाब	खसरा न०
	रकबा
	(बीघों में)
हरबार	75/71/55/1
	0 7

शिमला-2, 18 अप्रैल, 2006

सख्या विद्युत-छ(5) 20/2005. यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विद्युत बोर्ड जो कि भूमि धर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा-3 के खण्ड (सी० सी०) के अन्तर्गत सरकार के स्वामित्व और नियन्त्रण के अधीन एक नियम है, के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन हेतु नामतः मृदाजल चूल्हा, तहसील लडभडोल, जिला मन्थो, हिमाचल प्रदेश में उहल जल विद्युत परियोजना, तृतीय चरण के निर्माण हेतु भूमि अधिजित करनी अपेक्षित है। अतएव एतद्वारा यह अधिमुचित किया जाता है कि उक्त परिषद में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है उपरोक्त प्रयोजन के लिए भूमि का धर्जन प्रपेक्षित है।

2. भूमि धर्जन अधिनियम, 1894 की धारा-6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों की सूचना हेतु घोषणा की जाती

है और उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भू-अर्जन समाहर्ता, हिमाचल प्रदेश राज्य विद्युत बोर्ड, यासिल बैंक भवन, शिमला-3, हिमाचल प्रदेश उक्त भूमि के अर्जन के लिए आदेश देने का एतद्द्वारा निर्देश दिया जाता है।

3 भूमि से सम्बन्धित रेखांक का निरीक्षण कार्यालय भू-अर्जन समाहर्ता, हिमाचल प्रदेश राज्य विद्युत बोर्ड, मण्डी, हिमाचल प्रदेश में किया जा सकता है।

बिबरणी

जिला : मण्डी

तहसील : लडभडोल

गांव	खसरा नं०	रकबा (बीघों में)
कुना (209)	307	0 02 14
	410	0 01 04
	5867/625/1/1	1 08 17
	5871/5799/1/1	0 08 16
	308	0 02 06
	577	0 00 18
	314	0 02 09
कुल .. 7		2 07 04

शिमला-2, 13 अप्रैल, 2006

मध्या विद्युत-छ- (5) 6/2005—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि सतलुज जल विद्युत निगम लिमिटेड, शाकड़ी जो कि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी० सी०) के अन्तर्गत केन्द्रीय सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने धन्य पर मार्बेजिनिक प्रयोजन के लिए नामतः गांव बतनगर, तहसील रामपुर, जिला शिमला, हिमाचल प्रदेश में रामपुर जल विद्युत परियोजना के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्द्वारा यह अधिसूचित किया जाता है कि उक्त परिशेष में जैसा कि निम्न बिबरणी में निम्नलिखित किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन सभी सम्बन्धित व्यक्तियों के लिए यह घोषणा की जाती है और उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भूमि अर्जन समाहर्ता, सतलुज जल विद्युत परियोजना, शाकड़ी, जिला शिमला, हिमाचल प्रदेश को एतद्द्वारा भूमि के अर्जन के लिए आदेश देने का निर्देश दिया जाता है।

3 भूमि का रेखांक भू-अर्जन, समाहर्ता, सतलुज जल विद्युत परियोजना, शाकड़ी, जिला शिमला, हिमाचल प्रदेश के कार्यालय में निरीक्षण किया जा सकता है।

बिबरणी

जिला : शिमला

तहसील : रामपुर बूढीडर

गांव	खसरा नं०	क्षेत्र (हेक्टेयर में)
1	2	3
बतनगर	659	0 38 56
	660	0 25 70
	661	0 23 42
	682	0 21 59
	713	0 26 61
	714	0 20 30
	726	0 55 52
	727	0 16 36
	609	0 41 08
	688	0 13 10
	610	0 05 60

1	2	3
	686	0 14 80
	687	0 03 36
	640	0 24 41
	641	0 02 35
	2210/642	0 03 52
	2211/642	0 05 18
	658	0 18 99
	679	0 05 88
	680	0 31 84
	695	0 11 11
	680	0 28 31
	681	0 04 88
	443	0 55 15
	352	0 24 69
	2213/444	0 01 76
	445	0 01 68
	416	0 02 40
	447	0 08 76
	491/1	0 00 60
	491/2	0 80 91
	492	0 03 36
	493	0 02 82
	494/1	0 01 70
	494/2	0 27 08
	494/3	0 00 56
	494/4	0 00 36
	495	0 00 66
	496/1	0 01 33
	496/2	0 10 77
	496/3	0 00 80
	496/4	0 00 32
	592	0 03 10
	594	0 01 92
	596	0 00 30
	618	0 30 50
	621	0 35 14
	2214/622	0 07 28
	623	0 26 02
	624	0 45 71
	626	0 00 25
	627	0 79 70
	629	0 58 28
	630	0 09 79
	635	0 15 79
	636	0 29 60
	646/1	0 05 37
	646/2	0 05 35
	648	0 10 02
	715	0 14 57
	593	0 03 75
	595	0 20 36
	597	0 06 66
	598	0 05 98
	599	0 05 16
	601	0 00 81
	606	0 00 40
	607	0 01 17
	611	0 02 21
	615	0 00 67
	649	0 00 29
	650	0 16 52
	651	0 25 25
	689	0 09 84
	691	0 11 49
	692	0 10 20
	693	0 01 17
	694	0 05 62

1	2	3
	2212/444	0 08 13
	600	0 06 25
	602	0 05 80
	603	0 01 17
	604	0 44 28
	358	0 15 68
	359	0 22 14
	605	0 13 88
	608	0 03 91
	612	0 11 90
	613	1 69 31
	614	0 04 12
	616	0 00 80
	617	0 02 50
	619	0 00 18
	620	0 00 96
	2215/622	0 16 93
	631	0 00 90
	632	0 20 71
	633	0 03 24
	634	0 03 97
किसा .. 99		14 71 10

शिमला, 18 अप्रैल, 2006

संख्या विज्ञापन-5) 6/2003.—यह हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश विधान परिषद् जो कि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी0 सी0) के अन्तर्गत सरकार के स्वाभिव्यक्ति और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन हेतु नामन: गांव शमकोर, तहसील रामपुर, जिला शिमला, हिमाचल प्रदेश में गानको जल विद्युत परियोजना स्टेज-II के बेयर साईट व इनटेक एरिया का निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह घोषित किया जाता है कि उक्त परिसर में जैसा कि नीचे विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों की सूचना हेतु घोषणा की जाती है और उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भूमि अर्जन समाह्वती, हिमाचल प्रदेश राज्य विद्युत बोर्ड, विमल बैंक भवन, शिमला-3, हिमाचल प्रदेश को उक्त भूमि के अर्जन के लिए आदेश देने का एतद्वारा निर्देश दिया जाता है।

3. इनके अतिरिक्त उक्त अधिनियम की धारा 17 की उप-धारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश के राज्यपाल यह निर्देश भी देते हैं कि अत्याधिक आवश्यक मामला होने के कारण भूमि अर्जन समाह्वती, हि0 प्र0 राज्य विद्युत बोर्ड, विमल बैंक भवन, शिमला-3, हिमाचल प्रदेश उक्त अधिनियम की धारा 9 की उप-धारा 1 के अधीन नोटिस के प्रकाशन के 15 दिनों की अवधि समाप्त होने पर गवाह देने में पूर्व भूमि का कब्जा ले सकते हैं।

4. भूमि का रेवांक भू-अर्जन समाह्वती, हिमाचल प्रदेश राज्य विद्युत बोर्ड, विमल बैंक भवन, शिमला-3, हि0 प्र0 के कार्यालय में निरीक्षण किया जा सकता है।

विवरण

गांव	खसरा नं0	तहसील	रामपुर
			रकबा (हेक्टेयर में)
	2		3
शमकोर	587	0	10 49
	583/1	0	05 00
	583	0	49 37

1	2	3
	584	0 14 71
	577/1	0 01 05
	582/1/1	0 15 40
कुल किता	6	0 96 02

आदेश द्वारा,

हस्ताक्षर/-
प्रधान सचिव।

लोक निर्माण विभाग

अधिमूचना

शिमला-2, 17 अप्रैल, 2006

संख्या पी0 सी0 डब्ल्यू0 सी0 ए0 (7) 1-10/2003.—यह हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामन: गांव फाटी बगैरठ, तहसील मनाली जिला कुलू में राष्ट्रीय उच्च मार्ग-21 को चौड़ा करने हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह अधिभूत किया जाता है कि उक्त परिसर में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिमूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और अधिकों को इलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने तथा उस धारा द्वारा अपेक्षित अवकाश अनुमत अन्य सभी कार्यों को करने के लिए सहज प्राधिकार देते हैं।

4. कोई भी हितवृद्ध व्यक्ति, जिस उक्त परिसर में कथित भूमि का अर्जन पर कोई दावापत्र हो, तो वह इस अधिमूचना के प्रकाशित होने के तत्पश्चात् (30) दिन की अवधि के भीतर लिखित रूप में भू-अर्जन समाह्वती, लोक निर्माण विभाग, मण्डी के कार्यालय में दायर कर सकता है:—

जिला	कुलू	विवरणी	तहसील	मनाली
गांव	खसरा नं0	खेत		(बीघा बिम्बा)
बगैरठ	482/3	0	02	04
किसा	1	0	02	04

शिमला-2, 25 अप्रैल, 2006

संख्या पी0 सी0 डब्ल्यू0 (सी0) ए0 (7) 1-92/2004.—यह हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु गांव फाटी जल कोठी बोंग, तहसील न जिला कुलू में शाट-जलवा सड़क के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह घोषित किया जाता है कि निम्नलिखित विवरणी में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. यह घोषणा भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों की सूचना हेतु की जाती है तथा उक्त अधिनियम की धारा 7 के अधीन भू-अर्जन समाह्वती, लोक निर्माण विभाग, मण्डी को उक्त भूमि का अर्जन करने के आदेश देने का एतद्वारा निर्देश दिया जाता है।

3. भूमि रेखांक का निरीक्षण भू-प्रजन समाहर्ता, लोक निर्माण विभाग, मध्य क्षेत्र मण्डी के कार्यालय में किया जा सकता है।

जिला : कुल्लू		तहसील : कुल्लू	
गांव	खसरा नं०	क्षेत्र (बीघों में)	
1	2	3	
फाटी जलू कोठी चौग	73	0	10 00
	72/1	0	07 02
	67/1	0	13 10
	1966/1	0	15 05
	1965/1	1	06 09
कित्ता .. 5		3	12 06

शिमला-2 25 अप्रैल, 2006

संख्या पी० बी० डब्ल्यू० (बी०) (ए०) 7(1) 93/2005.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी धन्य पर सार्वजनिक प्रयोजन हेतु नामतः गांव गोहरमा, तहसील लाहौल, जिला लाहौल-स्पीति (हि० प्र०) में छम्बोन लिन्डर सम्पर्क सड़क के निर्माण हेतु भूमि ली जानी अपेक्षित है। यतएव एतद्द्वारा यह घोषित किया जाता है कि निम्नलिखित विवरणी में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. यह घोषणा, भूमि प्रजन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों को सूचना हेतु की जाती है तथा उक्त अधिनियम की धारा 7 के अधीन भू-प्रजन समाहर्ता, लोक निर्माण विभाग का उक्त भूमि के प्रजन करने के आदेश देने का एतद्द्वारा निदेश दिया जाता है।

3. भूमि रेखांक का निरीक्षण भू-प्रजन अधिकारी (एस० डी० एस०), लाहौल-स्पीति म्चिन केंद्र के कार्यालय में किया जा सकता है।

जिला : लाहौल-स्पीति		तहसील : लाहौल	
गांव	खसरा नं०	क्षेत्र (बीघा बिस्वा में)	
1	2	3	
गोहरमा	5/1	0	17 00
	65/1	0	06 00
	66/1	0	04 00
	67/1	0	03 00
	68/1	0	14 00
	87/1	0	09 00
कित्ता .. 6		2	13 00

यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी धन्य पर सार्वजनिक प्रयोजन हेतु नामतः भूमि अर्जित करनी अपेक्षित है। अतएव एतद्द्वारा यह अधिसूचित किया जाता है कि उक्त परिसर में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का प्रजन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को जो इससे सम्बन्धित हो सकते हैं, की जानकारी के लिए भूमि प्रजन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. एवम्बुन धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और अधिकारियों को इनके को किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने तथा उस धारा द्वारा अपेक्षित अथवा अनुमत अन्य सभी कार्यों को करने के लिए सख्त अधिकार देने है।

4. कोई भी हितवद्ध व्यक्ति, जिसे उक्त परिसर में कांयत भूमि के प्रजन पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के तीस (30) दिन की अवधि के भीतर लिखित रूप में भू-प्रजन समाहर्ता, लोक निर्माण विभाग, मण्डी के कार्यालय में दायर कर सकता है।

*महाल नेला, तहसील सदर, जिला मण्डी में मण्डी नेला मण्डीवाड सड़क के निर्माण हेतु।

संख्या पी० बी० डब्ल्यू० बी० ए० (7) 1-120/2005.

शिमला-2, 17 अप्रैल, 2006

जिला : मण्डी		तहसील : सदर	
गांव	खसरा नं०	क्षेत्र (बीघा बिस्वा)	
1	2	3	
नेला/342	460/1	0	06 09
कित्ता .. 1		0	06 09

तहसील : चम्बोट

*महाल स्याज 70, तहसील चम्बोट, जिला मण्डी में स्याज सम्पर्क सड़क के निर्माण हेतु।

संख्या पी० बी० डब्ल्यू० बी० ए० (7) 1-5/2006.

शिमला-2, 18 अप्रैल, 2006.

स्याज	खसरा नं०	क्षेत्र (बीघा बिस्वा)	
1	2	3	
294/1		0	18 12
295/1		0	00 06
296		0	10 11
381/1		0	15 14
385/1		0	02 10
386/1		0	01 14
388		0	00 12
390/1		0	11 08
390/2		0	01 07
491/1		0	01 18
492/1		0	03 06
493/1		0	01 10
494/1		0	00 12
496/1		0	02 01
497/1		0	01 07
502/1		1	08 17
कित्ता .. 16		5	02 05

शिमला-2, 25 अप्रैल, 2006

संख्या पी० बी० डब्ल्यू० (बी०) (ए०) (7) 1-47/2005.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी धन्य पर सार्वजनिक प्रयोजन हेतु नामतः गांव मुनाह/494, तहसील धुनाग, जिला मण्डी में जूँजहली-शिल्ली-ब गी सड़क के निर्माण हेतु भूमि ली जानी अपेक्षित है। यतएव एतद्द्वारा यह घोषित किया जाता है कि नीचे विवरणी में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. यह घोषणा भूमि प्रजन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों को सूचना हेतु की जाती है तथा उक्त अधिनियम की धारा 7 के अधीन भू-प्रजन समाहर्ता, लोक निर्माण विभाग, मण्डी को उक्त भूमि के प्रजन करने के आदेश देने का एतद्द्वारा निदेश दिया जाता है।

3. भूमि रेखांक का निरीक्षण भू-प्रजन समाहर्ता, लोक निर्माण विभाग, मध्य क्षेत्र मण्डी के कार्यालय में किया जा सकता है।

विबरणी		तहसील : घुनाग	
जिला : मण्डी		क्षेत्र	
गांव	खसरा नं०	(बीघों में)	
मुनाह	794/251/1	0 11 04	
किला	1	0 11 04	

शिमला-2, 17 अप्रैल, 2006

संख्या पी०बी० डब्ल्यू० बी०ए० (7) 1-24/2006.—यह हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार की सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गांव बणी, तहसील कण्डाघाट, जिला सोनन में बिल-हरिपुर सड़क के निर्माण हेतु भूमि अर्जन करनी अपेक्षित है। यनएब एतद्वारा यह अधिभूचित किया जाता है कि उक्त परिशेख में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इसमें सम्बन्धित हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और अभिकों को इलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने तथा उस धारा द्वारा अपेक्षित प्रत्येक अनुमत अन्य सभी कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं।

4. कोई भी हितवन् व्यक्ति, जिसे उक्त परिशेख में कथित भूमि के अर्जन पर कोई आपत्ति हो, तो वह इस अधिसूचना के प्रकाशित होने के तीस (30) दिन की अवधि के भीतर लिखित रूप में भू-अर्जन समिति, लोक निर्माण विभाग, विन्टर फ़िल्ड, शिमला के समक्ष अपनी आपत्ति दायर कर सकता है।

विबरणी		तहसील : कण्डाघाट	
जिला : मोलन		क्षेत्र	
गांव	खसरा नं०	(बीघा बिस्वा)	
1	2	3	
बणी	258/1	0 5	
	259/1	0 4	
	260/1	0 5	
	317/309/271/218/1	1 0	
	269/217/1	0 8	

विबरणी		तहसील : घुनाग	
जिला : मण्डी		क्षेत्र	
गांव	खसरा नं०	(बीघों में)	
मुनाह	794/251/1	0 11 04	
किला	1	0 11 04	
		112/1	0 6
		215/2/1	0 3
		210/1	0 10
		152/1	0 4
		153/1	0 2
		176/1	0 5
		154/1	0 16
		155/1	0 7
		133/1	0 8
		160	0 4
		136/1	0 2
		140/1	0 4
		142/1	0 2
		141/1	0 5
		143/1	0 1
		161/2	0 18
		277/167/1	0 1
		276/167/1	0 1
		168/1	0 2
		170/1	0 10
		173/1	0 5
		174/1	0 11
		175/1	0 12
		169/1	0 5
		159/1	0 3
किला	30	9	9

आदेश द्वारा,

हस्ताक्षरित/
प्रधान सचिव।

REVENUE DEPARTMENT

CORRIGENDUM

Shimla-171 002, the 26th April, 2006

No. Rev. D(F)11-11/2006.—Please read “6th October, 2005” and “sub-section (1) (b) of section 4” instead of 6th October, 2006” and “sub-section (1) (b)” respectively appeared in the first para of this Department’s Notification of even number dated 21-4-2006.

By order,

Sd/-

Financial Commissioner-cum-Secretary.

भाग-2—वैधानिक नियमों को छोड़कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

Office of the General Manager, District Industries Centre, Hamirpur (H. P.)

DECLARATION UNDER SECTION 24 OF THE ACT

Hamirpur, the 3rd March, 2006

No. Udyog HMR/DIC/M.M. Loan 2034 4193.—Whereas a notice was served to Shri Hem Raj s/o Shri Bakshi Ram, Vill. & P.O. Dhamrol, Teh. Bhoranj, Dist. Hamirpur on 27-7-2005 under section 23 of H. P. State Aid to Industries Act, 1971 as modified and applied to Himachal Pradesh calling upon said Shri Hem Raj s/o Shri Bakshi Ram to pay to me the sum of Rs. 7090.00 as principal and Rs. 9922.00 as interest on or before the 29-8-2005 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. Seventy thousand as principal and Rs. Nine thousand nine hundred twenty two as interest total amount is Rs. 16922.00 due from said Shri Hem Raj s/o Sh. Bakshi Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee, whether the said assets are present or in future in his name including books debts, stocks shares premises and machinery and purchased with the aid on loan of a part thereof and any other personal security of the loanee.

SURTIES

- Shri Ishwar Dass s/o Shri Girdhari Lal, Vill. Naltu, P. O. Dhamrol, Teh. Bhoranj, Dist. Hamirpur.
- Shri Hari Chand s/o Shri Bhun1 Ram, Vill. Ward No. 8, Hamirpur, Dist. Hamirpur.

Hamirpur, the 3rd March, 2006

No. Udyog/HMR/DIC/M.M.-Loan 2019.—Whereas a notice was served to Sh. Jagat Ram s/o Sh. Ghanaiya Ram, Vill. Dhirar, P. O. Nagrota Gazian, Teh Bhoranj (Hamirpur) on 27-7-2005 under section 23 of H. P.

State Aid to Industries Act, 1971 as modified and applied to Himachal Pradesh calling upon said Shri Jagat Ram s/o Shri Ghanaiya Ram to pay to me the sum of Rs. 2500.00 as principal and Rs. 4291.00 as interest on or before the 29-8-2005 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. Two thousand five hundred as principal and Rs. Four thousand two hundred ninety one as interest total amount is 6791.00 due from the said Shri Jagat Ram s/o Shri Ghanaiya Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee, whether the said assets are present or in future in his name including book debts, stocks shares premises and machinery and purchased with the aid on loan or a part thereof and any other personal security of the loanee.

SURITIES

1. Shri Raj Kumar s/o Shri Harji Ram, Vill. Nayar, P. O. Awahdevi, Teh. Bhoranj, Distt. Hamirpur.
2. Shri Yog Raj s/o Shri Mangat Ram, Vill. Dhirar P. O. Nagrota Gazian, Teh. Bhoranj, Distt. Hamirpur.

Hamirpur, the 3rd March, 2006

No. Udyog HMR.DIC.M.M. Loan 2048-4199.—Whereas a notice was served to Shri Harbans Raj s/o Shri Kishan Lal, Vill. Lalyar, P. O. Bagwara, Teh. Bhoranj (Hamirpur) on the 23-12-2005 under section 23 of H. P. State Aid to Industries Act, 1971 as modified and applied to Himachal Pradesh calling upon the said Shri Harbans Raj s/o Shri Kishan Lal to pay to me the sum of Rs. 2425.00 as principal and Rs. 5248.00 as interest on or before the 31-1-2006 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 2425.00 as principal and Rs. 5248.00 as interest total amount of Rs. 7673.00 due from said Shri Harbans Raj s/o Shri Kishan Lal and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be here inafter acquired by the loanee, whether the said assets are present or in future in his name including books debts, stocks shares premises and machinery and purchased with the aid on loan or a part thereof and any other personal security of the loanee.

SURITIES

1. Shri Rattan Chand s/o Shri Bhagat Ram, Vill. & P. O. Lalyar, Teh. Bhoranj, Distt. Hamirpur.
2. Shri Khish Ram s/o Shri Kapoora Ram, Vill. Lalyar, P.O. Bagwara, Teh. Bhoranj, Distt. Hamirpur.

Sd/-

General Manager,
District Industries Centre,
Hamirpur, Distt. Hamirpur (H.P.).

भाग-3—अधिनियम, विधायक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल हिमाचल प्रदेश हाई कोर्ट, कॉन्सिलियल कमिशनर तथा कमिशनर प्राक. इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

NOTIFICATIONS

Shimla, the 20th/21st April, 2006

No. HHC/13-2/5/81-8420 The Hon'ble the Chief Justice is pleased to make the following amendments in

कार्यालय सहायक पंजीयक, सहकारी सभाएं, ऊना, जिला ऊना, हिमाचल प्रदेश

कार्यालय आदेश

ऊना, 31 मार्च, 2006

संख्या ए० आर० कूप०/निरीक्षक मुख्यालय/2729-32.—जैसे कि दो सन्तोषगढ़ सहकारी ग्राम एवं निर्माण सभा भीमित, दिनांक 21-8-1985 को पंजीयन संख्या 507 के अन्तर्गत पंजीकृत हुई थी और सहायक पंजीयक, सहकारी सभाएं के कार्यालय आदेश संख्या 3578-82, दिनांक 1-3-2000 के द्वारा विघटन में डाली गई है;

हालांकि विघटक द्वारा अपने विघटनाधीन कार्यकाल के दौरान सभा को पंजीकृत करने के प्रयास किए गए परन्तु वांछित परिणाम प्राप्त नहीं हुआ। सभा का दायित्व व प्राप्तव्य सभा के अन्तिम/ता तारीख प्रकेक्षण पत्र व निरीक्षण पत्र के अनुसार समायोजित हो चुकी है;

जैसा कि उक्त सभा के विघटक द्वारा अन्तिम प्रतिवेदन व निरीक्षक, सहकारी सभाएं हरोली ने अपने कार्यालय पत्रांक 338 दिनांक 29-3-2006 के अन्तर्गत उक्त सभा के पंजीकरण को रद्द करने की सिफारिश भी की है।

अतः उपरोक्त के दृष्टिगत, मैं, दिले राम धीमान, सहायक पंजीयक सहकारी सभाएं, ऊना, जिला ऊना, हिमाचल प्रदेश सहकारी सभाएं अधिनियम, 1968 (एक्ट नं० 3 प्राक 1969) की धारा 83(2) के अन्तर्गत पंजीयक, सहकारी सभाएं, हिमाचल प्रदेश, शिमला को जवियों का प्रयोग करते हुए आज दिनांक 31-3-2006 को उपरलिखित सहकारी सभा के पंजीयन को रद्द करने का आदेश देता हूँ।

ऊना, 31 मार्च, 2006

संख्या ए० आर० कूप०/निरीक्षक मुख्यालय/2733-36.—जैसे कि दो गोन्टपुर तरफवना बुनकर सहकारी औद्योगिक सभा भीमित दिनांक 24-12-1957 को पंजीयन संख्या 271 के अन्तर्गत पंजीकृत हुई थी और सहायक पंजीयक, सहकारी सभाओं के कार्यालय आदेश संख्या 3453-57, दिनांक 1-3-2000 के द्वारा विघटन में डाली गई थी;

हालांकि विघटक द्वारा अपने विघटनाधीन कार्यकाल के दौरान सभा को पंजीकृत करने के प्रयास किये गये परन्तु वांछित परिणाम प्राप्त नहीं हुआ। सभा का दायित्व व प्राप्तव्य सभा के अन्तिम/ता तारीख प्रकेक्षण पत्र व निरीक्षण पत्र के अनुसार समायोजित हो चुकी है;

जैसा कि उक्त सभा के विघटक द्वारा अन्तिम प्रतिवेदन व निरीक्षक, सहकारी सभाओं, हरोली ने अपने कार्यालय पत्रांक 339, दिनांक 31-3-2006 के अन्तर्गत उक्त सभा के पंजीकरण को रद्द करने की सिफारिश भी की है।

अतः उपरोक्त के दृष्टिगत, मैं, दिले राम धीमान, सहायक पंजीयक, सहकारी सभाओं, ऊना, जिला ऊना, हिमाचल प्रदेश सहकारी सभाओं अधिनियम, 1968 (एक्ट नं० 3 प्राक 1969) की धारा 83(2) के अन्तर्गत पंजीयक, सहकारी सभाओं, हिमाचल प्रदेश शिमला की जवियों का प्रयोग करते हुए आज दिनांक 31-3-2006 को उपरलिखित सहकारी सभा के पंजीयन को रद्द करने का आदेश देता हूँ।

दिले राम धीमान,
सहायक पंजीयक, सहकारी सभाओं,
ऊना, जिला ऊना, हिमाचल प्रदेश।

the High Court of Himachal Pradesh (Use, Maintenance and Control of Staff Cars) Rules, 1981"—

1. *Short title.*—These Rules shall be called the "High Court of Himachal Pradesh (Use, Maintenance and Control of Staff Cars) (Seventeenth Amendment) Rules, 2006".

2. *Commencement.*—These Rules shall come into force with immediate effect.

3. *Amendment*.—In Rule 9, after clause +9-B, the following clause shall be inserted:—

“(+9-C) Without prejudice to the official requirements, the vehicle in the general pool, if available, in rare cases, be provided to the High Court Staff, in emergency by the learned Registrar (Vigilance) on payment of usual charges as fixed from time to time”.

BY ORDER OF HON'BLE THE CHIEF JUSTICE,

Sd/-
(J. N. BAROWALIA),
Registrar (Rules).

Shimla-1, the 20th/21st April 2006

No. HHC/Rules/Vol.-V/97-8402. In exercise of the powers vested in it under Section 23 of the State of Himachal Pradesh Act, 1970, Section 129 of the Code of Civil Procedure, 1908 as amended from time to time, Article 225 of the Constitution of India and all other powers enabling hereunto, the High Court of Himachal Pradesh is pleased to make the following amendments in the 'High Court of Himachal Pradesh (Appellate Side) Rules, 1977' :—

1. These Rules shall be called the High Court of Himachal Pradesh (Appellate Side) (Fourth Amendment) Rules, 2006.

2. These Rules shall come into force with immediate effect.

3. Rule 1 (iii), Chapter 4 of the High Court of Himachal Pradesh (Appellate Side) Rules, 1979 is substituted as under :—

“To receive and dispose of all applications under Order 22, Rules 2, 3, 4, 10 and 10-A of the Code and to amend the record, if necessary, except in cases under appeal to the Supreme Court”.

New sub-rules (xvii), (xviii) and (xix) to Rule 1, after sub-rule (xvi) are added as follows:—

“(xvii) The matter for scrutiny of service shall, in the first instance, be listed before the Deputy Registrar/Additional Registrar to be nominated specifically for this purpose by the Chief Justice, who may grant to the parties not more than three opportunities but within a total period of two months for taking effective steps for service of notice etc. If the party concerned fails to comply with the directions issued by the Deputy Registrar/Additional Registrar he shall after making a brief note, submit the matter to the Registrar, to be nominated by the Chief Justice for orders as per the following paragraph (xviii).

(xviii) The matter after submission by the Deputy Registrar/Additional Registrar shall be taken up by the Registrar to be nominated for this purpose by the Chief Justice, who upon hearing the party concerned and based upon the report of the Deputy Registrar/Additional Registrar, grant one, or at the most two more opportunities but within a total period of not more than six to ten weeks to the party concerned to comply with the directions. If despite such directions of the Registrar, the party does not do the needful within the time stipulated for the purpose, the Registrar should submit the matter for consideration to the Court alongwith his brief note.

(xix) Such cases where the Court itself, in the first instance, has fixed a time limit for filing reply/objections/rejoinders or other pleadings or for compliance of other directions in furtherance of the progress of a case and if despite such time initially granted by the Court, the party concerned has not done the needful, on expiry of the

period so granted by the Court in the first instance, the matter shall not be listed before the Court. Such matters shall be listed before the Deputy Registrar/Additional Registrar and thereafter, before the Registrar for extension of time beyond the time limit fixed by the Court, as per sub-rule (xvii) & (xviii) of these Rules:

Provided that notwithstanding anything contained in sub-rules (xvii), (xviii) & (xix), actual date matters and matters containing peremptory directions shall be listed only before the Court.

BY ORDER OF THE HIGH COURT,

Sd/-
Registrar (Rules).

Shimla-1, the 20th/21st April, 2006

REGULATIONS FOR HOLDING COMPETITIVE EXAMINATION FOR APPOINTMENT TO THE CADRE OF DISTRICT JUDGES/ADDITIONAL DISTRICT JUDGES BY DIRECT RECRUITMENT.

No. HHC/Rules/22(25)/83 8454.—In exercise of the powers conferred under Rule 2 (i) (g) (i) & (ii) read with Rule 5, of the Himachal Pradesh Judicial Service Rule, 2004, the High Court of Himachal Pradesh is pleased to make the following amendments in “The Himachal Pradesh Judicial Service (Competitive Examination for the cadre of District Judges/Additional District Judges), Regulations, 2005” :—

1. *Short title*.—These Regulations shall be called “the Himachal Pradesh Judicial Service (Competitive Examination for the cadre of District Judges/Additional District Judges) (1st Amendment) Regulations, 2006.”

2. *Commencement*.—They shall come into force with immediate effect.

3. *Amendment*.—Regulation No. 3(c) to the Himachal Pradesh Judicial Service (Competitive Examination for the cadre of District Judges/Additional District Judges), Regulations, 2005, shall be substituted as follows:—

3. *Definitions* (c).—“Examination” means the competitive examination under these Regulations and includes the “Preliminary” as well as “Main” examinations.

4. Regulation No. 7 to The Himachal Pradesh Judicial Service (Competitive Examination for the cadre of District Judges/ Additional District Judges), Regulations, 2005, shall be substituted as follows:—

7. *Holding and Conduct of Competitive Examination*.—The competitive examination for appointment to the cadre of District Judges/Additional District Judges, to appointed by direct recruitment, shall consist of :—

(i) *Preliminary examination* :

All the candidates who apply for the post(s) and are found eligible shall be called for a preliminary examination which shall be an objective type examination, consisting of the following three papers of 100 marks each:—

- (a) Civil Law
- (b) Criminal Law
- (c) General Knowledge

Each paper shall be of one hour duration and examination in all the three papers shall be held on the same day.

(ii) *Main examination :*

On the basis of the merit obtained in the preliminary examination, candidates equal to thirty five times the number of vacancies to be filled in shall be called for taking the main examination :

Provided that minimum number of candidates to be called for appearing in the main examination shall be seventy five.

The papers/subjects for the main examination and the maximum marks for each paper shall be as follows:

Sl No.	Subject/Paper	Maximum marks
1	2	3
1.	Criminal Law	200
2.	Civil Law, including Land Revenue Law.	200
3.	Constitutional Law	200
4.	General Knowledge including English Composition.	200
Total ..		800

The syllabus for the preliminary and the main examination shall be as is prescribed in the Schedule-II to these Regulations.

(iii) *Viva-Voce :*

Out of the candidates who qualify the main examination, according to the merit obtained therein, candidates shall be called for *viva-voce* in accordance with Regulation 10 (v). The *viva-voce* shall carry an aggregate marks of 300.

5. Regulation No. 9 to The Himachal Pradesh Judicial Service (Competitive Examination for the cadre of District Judges/Additional District Judges). Regulations, 2005, shall be substituted as follows:—

9. *Answer books.*—(i) The Secretary shall supply the requisite number of question-cum-answer papers for the preliminary examinations. The instructions to the candidates shall be contained in the beginning of each question-cum-answer paper. All the said question-cum-answer papers shall bear the seal of the Secretary or shall be signed by the Superintendent of the Examination.

(ii) The Secretary shall supply the required number of blank answer books as well as question papers for the examination. The first page of every answer book shall contain the instructions. The answer books shall bear the seal of the Secretary or shall be signed and stamped by the Superintendent of examination.

(iii) Answer by the candidates must be written legibly on both sides of the paper. On no account shall any sheet or part of a sheet be torn or removed from any answer book. The candidates shall not write their names or put any other mark(s) anywhere in the answer book which may indicate their identity.

(iv) All answer books collected from the candidates shall be packed immediately on the conclusion of each paper and shall be sealed by the secretary/superintendent (examination) and forwarded to the examiners as quickly as possible.

(v) At the close of the examination an account of the answer books received and used together with all the unused answer books shall be drawn.

(vi) The answer books shall be kept for record for one year the declaration of the result.

6. Regulation No. 10 to The Himachal Pradesh Judicial Service (Competitive Examination for the Cadre of District Judges/Additional District Judges), Regulations, 2005, shall be substituted as follows:—

10. *Evaluation of the answer books and publication of the result.*—(i) The examiner(s) who set the question papers for the preliminary examination shall prepare the key (answer) which shall be handed over to the Secretary in a sealed cover. On the basis of the key (answer) the Secretary shall cause the question-cum-answer book of the preliminary examination to be evaluated and accordingly also prepare the award list and marks sheet immediately.

If in any preliminary examination a very large number of candidates appear, the examination committee may in its discretion decide to have the papers evaluated for marking through electronic means.

(ii) The Secretary shall cause the answer books of various papers of the main examination evaluated from the examiners appointed by the Committee and the examiners shall prepare award lists and marks sheets and forward the same to the Secretary alongwith the answer books within a month of the receipt of the answer books by them.

(iii) The result shall be compiled by the Secretary on receipt of the award lists and marks sheets and shall be placed before the Committee for its approval, with such recommendations, as may be deemed necessary.

(iv) No candidate shall be considered to have qualified in the "Main Examination" unless he obtains a minimum of 50% of marks in each individual paper and 55% in aggregate.

(v) For each vacancy, five candidates shall be called for *viva-voce* from out of the candidates who qualify the main examination prescribed in the manner indicated hereinabove, strictly in order of merit.

(vi) The marks obtained in *viva voce* shall be added to the marks obtained in the main examination for preparing a select list of successful candidates. The select list so prepared shall remain valid for a period of one year from the date of its preparation.

(vii) The Secretary shall cause the select list and the result of the examination to be notified and published in the manner directed by the Committee. The Committee may also decide to inform the selected candidates about the result of the examination and/or the fact of their having been selected.

(viii) Based on the result of the examination the High Court may make appropriate recommendation to the State Government for issuance of appointment orders in accordance with Article 233 of the Constitution of India.

7. Schedule-II annexed to "The Himachal Pradesh Judicial Service (Competitive Examination for the cadre of District Judges/Additional District Judges), Regulations, 2005, shall stand amended as per amended Schedule-II enclosed with this amendment.

By order,
J. N. BAROWALIA,
Registrar (Rules).

SCHEDULE-II
(Refer to Regulation 7)

BOOKS AND SYLLABUS FOR EXAMINATION FOR THE CADRE OF DISTRICT JUDGES/ADDITIONAL DISTRICT JUDGES BY DIRECT RECRUITMENT FROM AMONGST ELIGIBLE ADVOCATES.

First Paper

Criminal Law including Special Laws

- (1) *Major Manual.*—(a) The Indian Penal Code, 1860
(b) The Criminal Procedure Code, 1973
(c) The Indian Evidence Act, 1872

- (2) The Narcotic Drugs and Psychotropic Substances Act, 1986.
- (3) The Prevention of Corruption Act, 1988
- (4) The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- (5) The Prevention of Food Adulteration Act, 1954
- (6) The Indian Forest Act, 1927

अथ विभाग

अधिसूचनाएं

शिमला-1, 31 मार्च, 2006

Second Paper

Civil Law including local laws of Himachal Pradesh

- (a) The Code of Civil Procedure, 1908
- (b) The Indian Evidence Act, 1872
- (c) The Transfer of Property Act, 1882
- (d) The Guardian & Wards Act, 1890
- (e) The Hindu Adoptions and Maintenance Act, 1956.
- (f) The Hindu Marriage Act, 1955
- (g) The Hindu Succession Act, 1956
- (h) The Land Acquisition Act, 1894
- (i) Indian Succession Act, 1925
- (j) Chapter No. X, XI and XII of the Motor Vehicles Act, 1988.
- (k) The Himachal Pradesh Rent Control Act, 1987
- (l) The Himachal Pradesh Tenancy and Land Reforms Act, 1972.
- (m) The Himachal Pradesh Land Revenue Act, 1953
- (n) The Himachal Pradesh Village Common Lands (Vesting and Utilization) Act, 1974.

Third Paper

Constitutional Law

- (A) Theory of Constitutional Law
- (B) Constitution of India

Fourth Paper

General Knowledge including English Composition

The knowledge of candidates regarding history, geography, current affairs developments in the recent past science and technology etc. etc. in so far as the English composition is concerned, the candidates would be expected to know about their command over English language including the drafting, writing articles, essays etc. etc.

Note.—No bare Acts shall be supplied.

STATE ELECTION COMMISSION HIMACHAL PRADESH

NOTIFICATION

Shimla 2, the 5th April, 2006

No. SEC. 5-6/2005-471-572.—In exercise of the powers conferred under sub-section (1) and (2) of the Section 5 and Section 19 of the Right to Information Act, 2006, I, hereby designate the following Officers of the State Election Commission as State Public Information Officers and State Assistant Public Information Officers required under the Act *ibid*, in the following manner, with immediate effect, in the public interest:—

- (1) The Secretary, State Election Commission, Himachal Pradesh, as State Public Information Officer in respect of the State Election Commission as per provisions contained in Section 5(1) of the Right to Information Act, 2005.
- (2) The Superintendent Grade-I, State Election Commission, Himachal Pradesh as State Assistant Public Information Officer, in respect of the State Election Commission as per provisions contained in Section 5(2) of the Right to Information Act, 2005.

By order,

RAJENDER BHATTACHARYA,
State Election Commissioner,
Himachal Pradesh.

संख्या 11-23/84 (लैव) आई० डी०/०६-मण्डि.—प्रघोहस्ताक्षरी को यह प्रतीत होता है कि Smt. Kamti Devi d/o Shri Jagat Ram, Village Sen-Ropru, P.O. Surwari, Sub-Tehsil Kotli, District Mandi (H.P.) Vs. The Chief Medical Officer, Mandi (H.P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है।

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदान की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त प्रघोहस्ताक्षरी ने निर्णय लिया है कि मामला अथ न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-अम (लूज) दिनांक 7 सितम्बर, 1992 द्वारा प्रदान शक्तियों का प्रयोग करते हुए प्रघोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदान शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित अथ न्यायालय/औद्योगिक अधिकरण हिमाचल प्रदेश की नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है:—

“Whether the termination of services of Smt. Kamti Devi d/o Shri Jagat Ram workman by the Chief Medical Officer, Mandi, District Mandi (H.P.) w.e.f. 24-8-1999 without complying the provisions of the Industrial Disputes Act, 1947 whereas junior to her retained as alleged by the workman is proper and justified? If not, what relief of service benefits and amount of compensation the above aggrieved workman is entitled to?”

शिमला-1, 31 मार्च, 2006

संख्या 11-23/84 (लैव) आई० डी०/०६-मण्डि.—प्रघोहस्ताक्षरी को यह प्रतीत होता है कि Shri Kishan Chand s/o Shri Mast Ram, (2) Shri Roshan Lal s/o Shri Soju Ram, (3) Shri Jhabe Ram s/o Shri Paras Ram c/o Shri N. L. Koundal, Legal Adviser (BMS) Balakrupi, P.O. Jalpehar, Tehsil Joginder-nagar, District Mandi (H.P.) Vs. The Divisional Forest Officer, Nachan Forest Division at Gohar, District Mandi (H.P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदान की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त प्रघोहस्ताक्षरी ने निर्णय लिया है कि मामला अथ न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिये भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-अम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदान शक्तियों का प्रयोग करते हुए प्रघोहस्ताक्षरी, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदान शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित अथ न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश की नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है:—

“Whether the termination of services of (1) Shri Kishan Chand s/o Shri Mast Ram, (2) Shri Roshan Lal s/o Shri Soju Ram, (3) Shri Jhabe Ram s/o Shri Paras Ram workmen by the Divisional Forest Officer, Nachan Forest Division at Gohar, District

Mandi (H. P.) w. e. f. 8-2-2004 and 13-2-2004 as alleged by the workmen without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits and amount of compensation the above aggrieved workmen are entitled to?"

शिमला-1, 31 मार्च, 2006

संख्या 11-2/93 (लंब) आई० डी०/०६-नालागढ़. अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Jasvinder Singh s/o Shri Shyam Lal, Village Thaeda, Tehsil Nalagarh, District Solan (H. P.) Vs. The Manager, M/s K. K. Apperals, Chowkiwala, Tehsil Nalagarh, District Solan (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा 5 के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है:—

"Whether the termination of services of Shri Jasvinder Singh s/o Shri Shyam Lal workman by the Manager, M/s K. K. Apperals, Chowkiwala, Tehsil Nalagarh, District Solan (H. P.) w. e. f. 8-3-2004 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits and amount of compensation the above aggrieved workman is entitled to?"

शिमला-1, 31 मार्च, 2006

संख्या 11-2/93 (लंब) आई० डी०/०६-परवाणू.—अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Parkash Chand s/o Shri Panchi Ram, House No. 1090/3 near Railway Rest House Bhari Nagar, Kalka, Haryana Vs. The Managing Director, M/s Micro Turner, Village Nariyal, Sector-4, Parwanoo, District Solan (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा 5 के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है:—

"Whether the termination of services of Shri Parkash Chand s/o Shri Panchi Ram, workman by the Managing Director, M/s Micro Turner, Village Nariyal, Sector-4, Parwanoo, District Solan (H. P.)

w. e. f. 28-1-2004 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits and amount of compensation the above aggrieved workman is entitled to?"

शिमला-171001, 31 मार्च, 2006

संख्या 11-2/93 (लंब) आई० डी०/०६-परवाणू.—अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Dil Bahadur Thapa s/o Shri Lal Bahadur Thapa, Thakur Dawara, Mohalla Kali Mata Mandir, Kalka, Haryana Vs. M/s M.I.L. Micro Tek Infosoft, Plot No. 62, Sector-5, Parwanoo, District Solan (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है:—

"Whether the termination of services of Shri Dil Bahadur Thapa s/o Shri Lal Bahadur Thapa workman by the Managing Director, M/s M.I.L. Micro Tek Infosoft Ltd., Plot No. 62, Sector-5, Parwanoo, District Solan (H. P.) w. e. f. 19-2-2004 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits and amount of compensation the above aggrieved workman is entitled to?"

शिमला-171001, 31 मार्च, 2006

संख्या 11-1/86 (लंब) आई० डी०/०६-नाहन.—अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Jai Singh s/o Shri Jhandu Ram, Village Bari Rasaur, P. O & Tehsil Nariangarh, District Ambala, Haryana Vs. M/s Pragati Papers Ltd., Village Khairi, Trilokpur Road, Kala-Amb, Tehsil Nahan, District Sirmaur (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है:—

"Whether the termination of services of Shri Jai Singh s/o Shri Jhandu Ram workman by the M/s Pragati Papers Industries Limited, Kal-Amb, District Sirmaur (H. P.) w. e. f. 8-11-2003 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits and amount of compensation the above aggrieved workman is entitled to?"

शिमला-1, 31 मार्च, 2006

शिमला-1, 31 मार्च, 2006

संख्या 11-2/93 (लेब0) आई0 डी0/06-नालागढ़. -अधोहस्ता-क्षरी को यह प्रतीत होता है कि Smt. Neelam Devi w/o Shri Rameshwar Singh c/o Shri Ramjan Mohd. Village Basola, P.O. Lodhi Majra, Tehsil Nalagarh, District Solan (H. P.) Vs. M/s K. K. Apparels, Chowkiwala, Tehsil Nalagarh, District Solan (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है ।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है :-

"Whether the termination of services of Smt. Neelam Devi w/o Shri Rameshwar Singh workman by the Management of M/s K. K. Apparels, Chowkiwala, Nalagarh, District Solan (H. P.) w. e. f. 17-3-2004 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits and amount of compensation the above aggrieved workman is entitled to?"

शिमला-1, 31 मार्च, 2006

संख्या 11-2/93 (लेब0) आई0 डी0/06-नालागढ़. -अधोहस्ता-क्षरी को यह प्रतीत होता है कि Smt. Hasina Begum w/o Shri Shamshad Ali c/o Shri Ramjan Mohd. Village Basola, P.O. Lodhi Majra, Tehsil Nalagarh, District Solan (H. P.) Vs. M/s K. K. Apparels Chowkiwala, Tehsil Nalagarh, District Solan (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12 (4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा 5 के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है ।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिये भेजा जाता है :-

"Whether the termination of services of Smt. Hasina Begum w/o Shri Shamshad Ali workman by the M/s K. K. Apparels, Chowkiwala, Tehsil Nalagarh, District Solan (H. P.) w. e. f. 25-2-2004 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits and amount of compensation the above aggrieved workman is entitled to?"

संख्या 11-6/85 (लेब0) आई0 डी0/06-शिमला. -अधोहस्ता-क्षरी को यह प्रतीत होता है कि Smt. Chandra d/o Shri Simat Ram, Block No. 23, Set No. 26, U. S. Club, Shimla-171001 Vs. The Executive Engineer, H.P.P.W.D. Division No. 3, Winter Field, Shimla-171001 (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है ।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है :-

"Whether the termination of services of Smt. Chandra d/o Shri Simat Ram workman by the Executive Engineer, H.P.P.W.D. Division No. 3, Winter Field, Shimla-1 w. e. f. 16-10-1999 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits and amount of compensation the above aggrieved workman is entitled to?"

शिमला-1, 31 मार्च, 2006

संख्या 11-1/86 (लेब0) आई0 डी0/06-नाहन. -अधोहस्ता-क्षरी को यह प्रतीत होता है कि Shri Salim Ahmad, General Secretary, Nahan Foundry Mazdoor Panchayat Union, Nahan, District Sirmaur (H. P.) Vs. The Executive Engineer, H.P.P.W.D. & I.P.H. State Workshop (Nahan Foundry), Nahan, District Sirmaur (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है ।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है :-

"Whether the demand raised vide demand notice dated 13-3-2003 by the General Secretary, Nahan Foundry Mazdoor Panchayat Union, Nahan before the Executive Engineer, H.P.P.W.D. & I. & P.H. State Workshop (Nahan Foundry), Nahan concerning to 45 un-skilled workmen (list enclosed) to promote them as semi-skilled workmen against vacant post w. e. f. 1-10-1988 in the pay scale Rs. 950-1800 is legal and justified? If so, what designation, scale and relief the concerned workmen from the employer are entitled to?"

शिमला-1, 31 मार्च, 2006

शिमला-1, 31 मार्च, 2006

संख्या 11-1/86 (लैब 0) आई 0 डी 0/06-नाहन.—अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Yasin Mohd. Village Dhatunpur, P.O. Batamadi, Tehsil Paonta Sahib, District Sirmaur (H. P.) Vs. The Manager, M/s Janak Palace Cinema, Trilokpur Road, Kala Amb, District Sirmaur (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12 (4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम-न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है ।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 मिनम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गये विषय पर अधिनियम देने के लिए भेजा जाता है :—

“Whether the termination of services of Shri Yasin Mohd. workman by the Manager, M/s Janak Palace Cinema, Trilokpur Road, Kala Amb, District Sirmaur (H. P.) w. e. f. 21-11-2003 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits and amount of compensation the above aggrieved workman is entitled to?”

संख्या 11-1/86 (लैब) आई 0 डी 0/06-नाहन.—अधोहस्ताक्षरी को यह प्रतीत होता है कि The General Secretary, Ministerial Staff Union, Nahan Foundry, Nahan, District Sirmaur (H. P.) Vs. The Executive Engineer, H.P.P.W.D. & I. & P.H. State Workshop (Nahan Foundry), Nahan, District Sirmaur, (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12 (4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा 5 के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है ।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-श्रम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनियम देने के लिए भेजा जाता है :—

“Whether the demand raised by the General Secretary, Ministerial Staff Union, Nahan Foundry, Nahan before the Executive Engineer, H.P.P.W.D. and I. & P.H. State Workshop (Nahan Foundry), Nahan that Shri Prem Pal Singh, Daftri be either promoted as Canteen Salesman or Clerk in the pay scale of Rs. 950—1800 w. e. f. 1-10-1988 is legal and justified? If yes, to what designation, grade and relief the concerned workman is entitled to? If not its legal effects?”

हस्ताक्षरित/-
श्रमायुक्त ।

भाग-4 स्थानीय स्वायत्त शासन, म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाईड और टाऊन एरिया तथा पंचायती राज विभाग

-शून्य-

भाग 5--वैयक्तिक अधिसूचनाएं और विज्ञापन

न्यायालय उप-मण्डल दण्डाधिकारी, भटियात (चुवाड़ी), जिला चम्बा, हिमाचल प्रदेश

आज दिनांक 12-4-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मजरा कुमार पुत्र श्री पूर्ण चन्द, निवासी गांव ककीरा, तहसील भटियात, जिला चम्बा, हिमाचल प्रदेश

मोहर ।

हस्ताक्षरित/-
उप-मण्डल दण्डाधिकारी,
भटियात (चुवाड़ी), जिला चम्बा,
हिमाचल प्रदेश ।

वनाम

ग्राम जनता

नाम दुरुस्ती हेतु प्रार्थना-पत्र ।

श्री संजय कुमार उक्त ने एक प्रार्थना-पत्र ध्यान हल्की सहित प्रस्तुत करके प्रार्थना की है कि उसका सही नाम संजय कुमार है किन्तु गलती से पंचायत रिकार्ड ककीरा जट्टेई में राकेश कुमार पुत्र पूर्ण दर्ज है जो कि सचन है । सही नाम संजय कुमार दर्ज करने के आदेश जारी कर दिये जायेंगे ।

विज्ञाता सर्वसाधारण जनता को इस इश्वरद्वारा द्वारा सूचित किया जाता है कि उपरोक्त सही नाम संजय कुमार पुत्र पूर्ण चन्द दर्ज करने वाले किसी को कोई एतराज हो तो वह अपना एतराज दिनांक 16-5-2006 को या इससे पूर्व अमानतन या वकालतन हाजर होकर इस न्यायालय में प्रस्तुत करे अन्यथा सही नाम दर्ज करने के आदेश जारी कर दिये जायेंगे ।

In the Court of Shri Rakesh Verma, H. A. S., Sub-Divisional Magistrate, Chowari, District Chamba, Himachal Pradesh

PROCLAMATION under Order 5, Rule, 20 C. P. C. Application under Section 13 (3) of Birth and Death Registration Act, 1969.

Whereas, Sh. Amar Singh son of Shri Sant Ram, r/o Aled Pan, Chuhani, Tensil Bhatiyat, District Chamba has filed an affidavit regarding the registration of date of birth 29-10-2001 and name Surjeet Singh of his grand son in the Panchayat records Jiyunta.

Hence this proclamation is issued to the general public, if any objection/claim regarding the registration of entry of date of birth, he may file his claim/objection on or before 16-5-2006, in this Court, failing which the necessary orders will be passed to the concerned Gram Panchayat for registration.

Given today under my signature and seal of the Court.

Seal.

RAKESH VERMA,
Sub-Divisional Magistrate,
Chowari, District Chamba,
Himachal Pradesh.

ब अदालत श्री संजीव शर्मा, तहसीलदार एवं कार्यकारी दण्डाधिकारी,
डलहौजी, जिला चम्बा, हिमाचल प्रदेश

श्री जगदीश चन्द पुत्र श्री ज्ञान चन्द, निवासी गांव विठा, परगना
चूहन, तहसील डलहौजी, जिला चम्बा, हिमाचल प्रदेश

वनाम

प्रार्थी ।

.. प्रत्यार्थीगण ।

ग्राम जनता

प्रार्थना-पत्र जेर द्वारा 13 (3) जन्म एवं मृत्यु पंजीकरण
अधिनियम, 1969.

ब अदालत श्री संजीव शर्मा, तहसीलदार एवं कार्यकारी दण्डाधिकारी,
डलहौजी, जिला चम्बा, हिमाचल प्रदेश

श्री देव राज पुत्र श्री वैशाखी राम, निवासी गांव वाढ़, मुहाल
कल्लर, तहसील डलहौजी, जिला चम्बा (हि0 प्र0) .. प्रार्थी ।

ग्राम जनता

वनाम

.. प्रत्यार्थीगण ।

प्रार्थना-पत्र जेर द्वारा 13 (3) जन्म एवं मृत्यु पंजीकरण
अधिनियम, 1969.

उपरोक्त प्रार्थी ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र मय
व्यान हल्फी इस आशय से गुजारा है कि उसके बेटे देवेन्द्र कुमार
की जन्म तिथि 30-5-2000 है लेकिन ग्राम पंचायत मोरनू के
रजिस्टर में दर्ज न है। जिसे दर्ज किया जावे ।

इस सम्बन्ध में सर्वसाधारण को बजरिया इशतहार सूचित किया
जाता है कि प्रार्थी के बेटे की जन्म तिथि ग्राम पंचायत मोरनू
के जन्म रजिस्टर में दर्ज करने पर यदि किसी को कोई उजर/
एतराज हो तो वह दिनांक 15-5-2006 को असालतन या
वकालतन अदालत अधोहस्ताक्षरी आकर अपना एतराज दर्ज करवा
सकता है। हाजिर न आने की सूरत में नाम व जन्म तिथि दर्ज
करने के आदेश दे दिए जाएंगे ।

आज दिनांक 13-4-2006 को मेरे हस्ताक्षर व अदालत मोहर
से जारी हुआ ।

मोहर ।

संजीव शर्मा,
तहसीलदार एवं कार्यकारी दण्डाधिकारी,
डलहौजी, जिला चम्बा (हि0 प्र0) ।

मोहर ।

संजीव शर्मा,
तहसीलदार एवं कार्यकारी दण्डाधिकारी,
डलहौजी, जिला चम्बा (हि0 प्र0) ।

ब अदालत श्री संजीव शर्मा, तहसीलदार एवं कार्यकारी दण्डाधिकारी,
डलहौजी, जिला चम्बा, हिमाचल प्रदेश

श्री चमारू राम पुत्र श्री मुखी राम, निवासी गांव दुडियारा, डाकघर
बैली, तहसील डलहौजी, जिला चम्बा, हिमाचल प्रदेश .. प्रार्थी ।

वनाम

ग्राम जनता

.. प्रत्यार्थीगण ।

प्रार्थना-पत्र जेर द्वारा 13 (3) जन्म एवं मृत्यु पंजीकरण
अधिनियम, 1969.

ब अदालत श्री संजीव शर्मा, तहसीलदार एवं कार्यकारी दण्डाधिकारी,
डलहौजी, जिला चम्बा, हिमाचल प्रदेश

श्री गोविन्द प्रसाद पुत्र श्री सदानंद, निवासी गांव व डाकघर
बनीखेत, तहसील डलहौजी, जिला चम्बा, हिमाचल प्रदेश .. प्रार्थी ।

वनाम

ग्राम जनता

.. प्रत्यार्थीगण ।

प्रार्थना-पत्र जेर द्वारा 13 (3) जन्म एवं मृत्यु पंजीकरण
अधिनियम, 1969.

उपरोक्त प्रार्थी ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र
मय व्यान हल्फी इस आशय से गुजारा है कि उसकी पुत्र केशव
की जन्म तिथि 1-5-2001 है जो कि ग्राम पंचायत बनीखेत के
रिकार्ड में दर्ज न है। जिसे दर्ज किया जावे ।

इस सम्बन्ध में सर्वसाधारण को बजरिया इशतहार सूचित किया
जाता है कि प्रार्थी के पुत्र की जन्म तिथि ग्राम पंचायत बनीखेत के
रिकार्ड में दर्ज करने पर यदि किसी को कोई उजर व एतराज
हो तो वह दिनांक 12-5-2006 को असालतन या वकालतन
अदालत अधोहस्ताक्षरी आकर अपना एतराज दर्ज करवा सकता है।
हाजिर न आने की सूरत में नाम व जन्म तिथि दर्ज करने के आदेश
दे दिए जाएंगे ।

आज दिनांक 13-4-2006 को मेरे हस्ताक्षर व अदालत मोहर
से जारी हुआ ।

मोहर ।

संजीव शर्मा,
तहसीलदार एवं कार्यकारी दण्डाधिकारी,
डलहौजी, जिला चम्बा (हि0 प्र0) ।

मोहर ।

संजीव शर्मा,
तहसीलदार एवं कार्यकारी दण्डाधिकारी,
डलहौजी, जिला चम्बा, हिमाचल प्रदेश ।

आज दिनांक 13-4-2006 को मेरे हस्ताक्षर व अदालत मोहर
से जारी हुआ ।

उपरोक्त प्रार्थी ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र
मय व्यान हल्फी इस आशय से गुजारा है कि उसकी सौतली मां
श्रीमती सोधा, जो प्रार्थी की साथ रहती थी, का देहान्त
दिनांक 27-2-2005 को हो चुका है लेकिन उनकी मृत्यु तिथि ग्राम
पंचायत जियुन्ता के रिकार्ड में दर्ज न है। जिसे दर्ज किया जावे ।

इस सम्बन्ध में सर्वसाधारण को बजरिया इशतहार सूचित
किया जाता है कि प्रार्थी की सौतेली मां श्रीमती सोधा की मृत्यु ग्राम
पंचायत जियुन्ता के रिकार्ड में दर्ज करने पर यदि किसी को कोई उजर/
एतराज हो तो वह दिनांक 15-5-2006 को असालतन या वकालतन
अदालत अधोहस्ताक्षरी आकर अपना एतराज दर्ज करवा सकता है।
हाजिर न आने की सूरत में मृत्यु तिथि दर्ज करने के आदेश दे
दिए जाएंगे ।

ब अदालत श्री शमशेर सिंह, सहायक समाहर्ता द्वितीय श्रेणी, सियुन्ता, जिला चम्बा, हिमाचल प्रदेश

श्री बाबू राम पुत्र श्री जस्सा, निवासी बग्गा, डाकघर काथला, उप-तहसील सियुन्ता, जिला चम्बा, हिमाचल प्रदेश।

दरखास्त जेर धारा 13(3) जन्म एवम् मृत्यु पंजीकरण अधिनियम, 1969.

श्री बाबू राम पुत्र श्री जस्सा, निवासी बग्गा, डाकघर काथला, उप-तहसील सियुन्ता, जिला चम्बा ने इस अदालत में प्रार्थना-पत्र गुजारा है कि उसके लड़के सुरज सिंह का जन्म 1-7-1999 को हुआ है लेकिन ग्राम पंचायत के अभिलेख में दर्ज नहीं है।

अतः सर्वसाधारण को बजरिया इशतहार सूचित किया जाता है कि उक्त सुरज सिंह की जन्म तिथि 1-7-1999 दर्ज करने बारा किसी व्यक्ति को कोई एतराज हो तो वह अपना उजर/एतराज असालतन या वकालतन दिनांक 15-5-2006 को प्रातः 10 बजे हाजर अदालत आकर पेश कर सकते हैं अन्यथा एकतरफा कार्यवाही अमल में लाई जायेगी और सुरज सिंह पुत्र बाबू राम का नाम व जन्म तिथि पंचायत अभिलेख में दर्ज करने के आदेश पारित कर दिये जायेंगे।

आज दिनांक 10-4-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। शमशेर सिंह,
सहायक समाहर्ता द्वितीय श्रेणी,
सियुन्ता, जिला चम्बा, हिमाचल प्रदेश।

ब अदालत श्री शमशेर सिंह, सहायक समाहर्ता द्वितीय श्रेणी, सियुन्ता जिला चम्बा, हिमाचल प्रदेश

परसों उर्फ परस राम पुत्र जीता, निवासी मैहली, महाल अधवाड़, ग्राम पंचायत समोद, उप-तहसील सियुन्ता, जिला चम्बा।

बनाम

आम जनता

विषय.—प्रार्थना-पत्र नाम दस्ती बारे।

उपरोक्त प्रार्थी ने अघोहस्ताक्षरी की अदालत में प्रार्थना-पत्र मय ब्यान हल्की इस आशय से गुजारा है कि उसका नाम पंचायत रिकार्ड में परस राम दर्ज है तथा राजस्व अभिलेख में परसों दर्ज है। प्रार्थी राजस्व अभिलेख में अपने नाम की दुस्ती परसों उर्फ परस राम के रूप में करवाना चाहता है।

अतः इस इशतहार के माध्यम से सर्वसाधारण जनता को सूचित किया जाता है कि प्रार्थी के नाम परसों उर्फ परस राम पुत्र जीता किये जाने बारे कोई एतराज हो तो वह दिनांक 15-5-2006 को हमारी अदालत में हाजिर आकर अपना उजर/एतराज पेश पेश कर सकते हैं। उजर एतराज प्रस्तुत न करने की सूरत में उपरोक्त नाम दर्ज करने के आदेश पारित कर दिये जायेंगे।

आज दिनांक 10-4-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। शमशेर सिंह,
सहायक समाहर्ता द्वितीय श्रेणी,
सियुन्ता, जिला चम्बा, हिमाचल प्रदेश।

ब अदालत श्री आर० के० प्रथी, मैरिज आफिसर एवं उप-मण्डल दण्डाधिकारी, हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश

1. श्री रिक० उ० 23 वर्ष सपुत्री श्री काली दास, गांव घनाटू, डा० करोट, तहसील सुजानपुर, जिला हमीरपुर।

2. श्रीमती रेखा कुमारी उ० 22 वर्ष सपुत्री श्री पृथ्वी पाल, गांव श्री हरमोविन्दपुर, डा० धूमन, तहसील बटाला, जिला गुरदासपुर (पो० बी०)।

बनाम

आम जनता

प्रार्थना-पत्र अधीन धारा 16 ऑफ स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत शादी पंजीकरण बारे।

उपरोक्त मुकद्दमा में श्री रिक० व श्रीमती रेखा कुमारी ने दिनांक 20-8-2005 को हिन्दु रीति-रिवाज अनुसार बाबा बालक रूपी मंदिर में शादी कर ली है जिसे स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत पंजीकृत किया जाना है।

अतः आम जनता एवं रिश्तेदारों को इस इशतहार द्वारा सूचित किया जाता है कि उक्त शादी पंजीकरण करने बारे किसी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 15-5-2006 को सुबह 10.00 बजे या इससे पहले असालतन या वकालतन हाजिर अदालत होकर पेश करे अन्यथा शादी पंजीकरण करने बारे आगामी कार्यवाही अमल में लाई जाएगी।

आज दिनांक 2-3-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर। आर० के० प्रथी,
मैरिज आफिसर/
उप-मण्डल दण्डाधिकारी, हमीरपुर,
जिला हमीरपुर, हिमाचल प्रदेश।

ब अदालत श्री रामजीत, सहायक समाहर्ता द्वितीय श्रेणी, बैजनाथ तहसील बैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश

केस नम्बर : 11/NT/05 उनवान : तकसीम भूमि

पम्बो देवी पुत्री नारायण दास विधवा फकीर चन्द, वासी नगरोटा, तहसील व जिला कांगड़ा बजरिया मुख्यार आम मिनजानिब विजय पाल पुत्र फकीर चन्द, वासी नगरोटा, तहसील व जिला कांगड़ा प्राथीगण।

बनाम

1. रमेश चन्द पुत्र अनन्त राम, वासी कोटली, मोजा बीड़, तहसील बैजनाथ, जिला कांगड़ा, 2. सुरिन्द्र मोहन पुत्र वेद प्रकाश, वासी कोटली, मोजा बीड़, तहसील बैजनाथ, जिला कांगड़ा प्रतिवादीगण।

तकसीम भूमि खाना नं० 167, खतीनी 310, खसरा 749, रकबा 0-21-20 है०, महाल कोटली, मोजा बीड़, तहसील बैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश।

उपरोक्त मुकद्दमा तकसीम में प्रतिवादीगण को इस न्यायालय द्वारा समन जारी किये गये परन्तु तामील न हो सकी। अतः इस न्यायालय को यह विश्वास हो गया है कि प्रतिवादीगण की तामील साधारण तरीका से नहीं हो सकती है।

इसलिए इशतहार राजपल द्वारा समस्त प्रतिवादीगण को सूचित किया जाता है कि वे दिनांक 15-5-2006 को इस मुकद्दमा की परवी हेतु व्यक्तिगत रूप से या किसी अधिवक्ता के माध्यम से इस न्यायालय में उपस्थित श्रावें अन्यथा अनुपस्थिति की अवस्था में नियमानुसार कार्यवाही अमल में लाई जावेगी।

आज दिनांक 31-3-2006 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया।

मोहर। रामजीत,
सहायक समाहर्ता द्वितीय श्रेणी,
बैजनाथ, जिला कांगड़ा (दि० प्र०)।

व अदालत श्री रामजीत, सहायक समाहर्ता द्वितीय श्रेणी, बैजनाथ तहसील बैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश

व अदालत श्री हेम चन्द ठाकुर, सहायक समाहर्ता प्रथम श्रेणी एवं कार्यकारी दण्डाधिकारी, फतेहपुर, तहसील फतेहपुर, जिला कांगड़ा हिमाचल प्रदेश

केस नं० : 53/NT/04

उनवान : तकसीम भूमि

केस नं० 1/वी०

तारीख पेशी 23-5-2006

श्री सतविन्द सिंह पुत्र श्री भीम सिंह, साकन हड़वाल, तहसील फतेहपुर, जिला कांगड़ा (हि० प्र०)

... प्रार्थी ।

ग्राम जनता

बनाम

... प्रतिवादी ।

विषय.—प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

प्रार्थी श्री सतविन्द सिंह पुत्र श्री भीम सिंह, साकन हड़वाल, तहसील फतेहपुर, जिला कांगड़ा ने प्रार्थना-पत्र पेश किया है कि उसकी लड़की का जन्म दिनांक 5-3-2004 को गांव हड़वाल में हुआ था परन्तु उसकी जन्म तिथि ग्राम पंचायत हड़वाल के रिकार्ड में दर्ज न करवा सका है तथा दर्ज करने की प्रार्थना की है ।

अतः इस इशतहार राजपत्र, हिमाचल प्रदेश द्वारा ग्राम जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को स्मृति गुंतेरिया पुत्री श्री सतविन्द सिंह की जन्म तिथि 5-3-2004 को ग्राम पंचायत हड़वाल के रिकार्ड में दर्ज करने में आपत्ति हो तो वह अमालतन या बकालतन दिनांक 23-5-2006 को प्रातः 10.00 बजे हाजिर आकर अपना एतराज पेश कर सकता है अन्यथा उक्त जन्म तिथि ग्राम पंचायत हड़वाल में दर्ज करने के आदेश पारित कर दिए जाएंगे ।

आज दिनांक 22-4-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।

हेम चन्द ठाकुर,
सहायक समाहर्ता प्रथम श्रेणी
एवं कार्यकारी दण्डाधिकारी, फतेहपुर,
जिला कांगड़ा, हिमाचल प्रदेश ।

व अदालत श्री जीत राम भारद्वाज, सहायक समाहर्ता द्वितीय श्रेणी एवं कार्यकारी दण्डाधिकारी, फतेहपुर, जिला कांगड़ा, हिमाचल प्रदेश

केस नं० 3/डी०

तारीख पेशी 11-5-2006

श्री मेहर चन्द पुत्र श्री धर्म चन्द, साकन मच्छोट, तहसील फतेहपुर, जिला कांगड़ा, हिमाचल प्रदेश

... प्रार्थी ।

ग्राम जनता

बनाम

... प्रतिवादीगण ।

विषय.—प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

प्रार्थी श्री मेहर चन्द पुत्र श्री धर्म चन्द, सा. न मच्छोट, तहसील फतेहपुर, जिला कांगड़ा ने प्रार्थना-पत्र पेश किया है कि उसकी दादी समझी देवी पत्नी श्री कैथों राम की मृत्यु दिनांक 25-9-1982 को गांव मच्छोट, तहसील फतेहपुर में हुई थी परन्तु उनकी मृत्यु तिथि ग्राम पंचायत मच्छोट के रिकार्ड में दर्ज न करवा सका है तथा दर्ज करने की प्रार्थना की है ।

अतः इस इशतहार राजपत्र, हिमाचल प्रदेश द्वारा ग्राम जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को समझी देवी पत्नी श्री कैथों राम की मृत्यु दिनांक 25-9-1982 को ग्राम पंचायत मच्छोट में दर्ज करने में आपत्ति हो तो वह अमालतन या बकालतन दिनांक 11-5-2006 को सुबह 10.00 बजे हाजिर आकर अपना एतराज पेश कर सकता है अन्यथा उक्त मृत्यु तिथि ग्राम पंचायत मच्छोट में दर्ज करने के आदेश पारित कर दिए जाएंगे ।

आज दिनांक 10-4-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।

जीत राम भारद्वाज,
सहायक समाहर्ता द्वितीय श्रेणी एवं
कार्यकारी दण्डाधिकारी, फतेहपुर,
जिला कांगड़ा, हिमाचल प्रदेश ।

बनाम

1. बांको देवी पुत्री धनी राम व पत्नी श्री राजिन्द्र सूद, बानी पठियार, तहसील धर्मशाला, जिला कांगड़ा (हि० प्र०)
2. पवन कुमार पुत्र प्यार चन्द सूद, बासी भवारना, तहसील पालमपुर,
3. आणू पुत्र प्यार चन्द सूद, बासी भवारना, तहसील पालमपुर,
4. राजिन्द्रा देवी विधवा सुरिन्द्र कुमार, बासी पपरोला, तहसील बैजनाथ,
5. मन्नु देवी पत्नी सुरेश सूद व पत्नी सुरिन्द्र कुमार, बासी पपरोला,
6. मधु देवी पुत्री सुरिन्द्र कुमार पत्नी सुरेश कुमार, बासी कोटलू, त० जयसिंहपुर,
7. सवाली देवी पुत्री सुरिन्द्र कुमार व पत्नी सुरेश कुमार, बासी नेरवा, जिला शिमला,
8. हिम्पल देवी पत्नी सुरिन्द्र कुमार, बासी पपरोला, तहसील बैजनाथ,
9. विमला देवी विधवा पूर्ण चन्द, बासी पपरोला, तहसील बैजनाथ,
10. पानो देवी मृतका के वारसान : (i) अश्व कुमार पुत्र कर्म चन्द, गांव व डा० पपरोला, तहसील बैजनाथ,
11. चम्पा देवी मृतका के वारसान : (i) चेतन उर्फ भोला राम पुत्र प्यार चन्द, बासी पपरोला, तहसील बैजनाथ, (ii) अश्व कुमार पुत्र कर्म चन्द, बासी पपरोला, (iii) नवनीत कुमार पुत्र हेम राज, बासी राजपुर, तहसील पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश,
12. प्यार चन्द मृतक के वारसान : (i) चेतन उर्फ भोला राम पुत्र प्यार चन्द, बासी पपरोला, तहसील बैजनाथ, जिला कांगड़ा (हि० प्र०)
13. हेम राज मृतक के वारसान : (i) नवनीत पुत्र हेम राज, बासी राजपुर, तहसील पालमपुर, जिला कांगड़ा (हि० प्र०)
14. अश्व कुमार पुत्र कर्म चन्द,
15. अम्जना देवी पुत्री कर्म चन्द,
16. चेतन उर्फ भोला राम पुत्र प्यार चन्द, सभी निवासीगण पपरोला, त० बैजनाथ,
17. तिलक राज,
18. पिंकु पुत्रान रतन चन्द,
19. धिप्पो देवी पुत्री रतन चन्द,
20. ललिता देवी विधवा रतन चन्द सभी निवासीगण भवारना, तहसील पालमपुर,
21. मृतक ज्ञान चन्द के वारसान : (i) हरीश चन्द पुत्र ज्ञान चन्द C/O ललिता देवी, बासी भवारना, तहसील पालमपुर,
22. मृतका धन्नी देवी के वारसान : (i) ओंकार चन्द सूद, बासी बत्तल, तहसील पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश,
23. मृतका रामो देवी के वारसान : (i) प्रमोद सूद, बासी राजपुरा

... प्रत्याधीगण ।

तकसीम भूमि खाता नं० 118, खतोनी नं० 212, 213, 214, 215, 216, 217, खसरा 938, 1194, 1195, 1183, 1193, 931, 937, 1190, 1191, 1438/1091, 1140/1091, किता 11, रकबा 1-12-51 है०, मुहाल व मौजा पपरोला, तहसील बैजनाथ ।

उपरोक्त मुकद्दमा तकसीम में प्रतिवादीगण को इस न्यायालय द्वारा समन जारी किए गये परन्तु तामील न हो सकी । अतः इस न्यायालय को यह विश्वास हो गया है कि उपरोक्त प्रतिवादीगण की तामील साधारण तरीका से नहीं हो सकती ।

इसलिए इस इशतहार राजपत्र द्वारा समस्त प्रतिवादीगण को सूचित किया जाता है कि वे दिनांक 15-5-2006 को इस मुकद्दमा की पैरवी हेतु व्यक्तिगत रूप से या किसी अधिवक्ता के माध्यम से इस न्यायालय में उपस्थित आवें अन्यथा अनुपस्थिति की अवस्था में नियमानुसार कार्यवाही अमल में लाई जाएगी ।

आज दिनांक 31-3-2006 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया ।

मोहर ।

रामजीत,
सहायक समाहर्ता द्वितीय श्रेणी,
बैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश ।

ब अदालत श्री जीत राम भारद्वाज, सहायक समाहर्ता द्वितीय श्रेणी एवं कार्यकारी दण्डाधिकारी, फतेहपुर, जिला कांगड़ा (हि० प्र०)।

ब अदालत कार्यकारी दण्डाधिकारी, उप तहसील हारचकियां, जिला कांगड़ा, हिमाचल प्रदेश

केस नं० 2/वी०/06

तारीख पेशी 11-5-2006

विषय.—इशतहार बाबत मुश्तरी मुनादी।

श्री जेपपाल पुत्र श्री हरी चन्द, साकन पल्ली, डाकघर जवाड़ा, तहसील फतेहपुर, जिला कांगड़ा, हिमाचल प्रदेश

श्री भूमि सिंह

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

ग्राम जनता

बनाम

प्रतिवादीगण।

विषय. प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

प्रार्थी श्री जेप पाल पुत्र श्री हरी चन्द, साकन पल्ली, तहसील फतेहपुर, जिला कांगड़ा ने प्रार्थना-पत्र पेश किया है कि उसके लड़के का जन्म दिनांक 17-11-2000 को गांव पल्ली, तहसील फतेहपुर में हुआ था परन्तु उसकी जन्म तिथि ग्राम पंचायत जवाड़ा के रिकार्ड में दर्ज न करवा सका है तथा दर्ज करने की प्रार्थना की है।

अतः इस इशतहार राजपत्र, हिमाचल प्रदेश द्वारा ग्राम जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को कार्तिक शर्मा पुत्र श्री जेप पाल की जन्म तिथि 17-11-2000 को ग्राम पंचायत रिकार्ड में दर्ज करने में आपत्ति हो तो वह असालतन या बकालतन दिनांक 11-5-2006 को सुबह 10.00 बजे हाजिर आकर अपना एतराज पेश कर सकता है अन्यथा उक्त जन्म तिथि ग्राम पंचायत जवाड़ा में दर्ज करने के आदेश पारित कर दिए जाएंगे।

आज दिनांक 10-4-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

जे० आर० भारद्वाज,
सहायक समाहर्ता द्वितीय श्रेणी एवं
कार्यकारी दण्डाधिकारी, फतेहपुर,
जिला कांगड़ा, हिमाचल प्रदेश।

ब अदालत श्री श्रीकार नाथ शर्मा, नायब तहसीलदार एवं सहायक समाहर्ता द्वितीय श्रेणी, हारचकियां, जिला कांगड़ा (हि० प्र०)

उनवान मुकद्दमा दम्स्ती नाम

तारीख पेशी
16-5-2006

श्री चमाल राम उर्फ मोती राम सुपुत्र श्री नन्न राम, वासी गुब्बर, मोजा प्रगोड़, उप तहसील हारचकियां।

बनाम

ग्राम जनता

श्री चमाल राम उर्फ मोती राम सुपुत्र श्री नन्न राम, वासी गुब्बर, मोजा प्रगोड़, उप-तहसील हारचकियां ने इस अदालत में प्रार्थना-पत्र दिया है कि उसका नाम राजस्व रिकार्ड एवं पंचायत रिकार्ड में गलती से चमाल राम दर्ज हो गया है अब दुरुस्त करने के आदेश दिए जाएंगे।

इस इशतहार द्वारा ग्राम जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को उक्त नाम दम्स्ती बाने कोई एतराज हो तो वह असालतन/बकालतन तारीख पेशी 16-5-2006 को सुबह 10.00 बजे हाजिर होकर अपनी आपत्ति पेश कर सकता है अन्यथा गैर-हाजरी की मूर्त में एक एकतरफा कार्यवाही अमल में लाई जायगी तथा नाम दम्स्ती के आदेश पारित कर दिए जाएंगे।

यह इशतहार मेरे हस्ताक्षर व मोहर में आज दिनांक 12-4-2006 को जारी हुआ।

मोहर।

श्रीकार नाथ शर्मा,
नायब तहसीलदार एवं सहायक समाहर्ता,
द्वितीय श्रेणी, हारचकियां, जिला कांगड़ा,
हिमाचल प्रदेश।

श्री भूमि सिंह सुपुत्र श्री दलीप सिंह, निवासी कवियाल, मौजा लन्ज, उप-तहसील हारचकियां, जिला कांगड़ा (हि० प्र०) ने प्रार्थना-पत्र दिया है कि उसके भतीजे राजीव कुमार सुपुत्र श्री मिनाप चन्द का जन्म दिनांक 1-1-1978 को हुआ है परन्तु प्रजानतावण उसकी जन्म तिथि ग्राम पंचायत उपरला लन्ज के रिकार्ड में पंजीकृत न है।

अतः इस इशतहार द्वारा ग्राम जनता को सूचित किया जाता है कि उक्त नाम के पंजीकरण बारे किसी व्यक्ति को कोई आपत्ति हो तो वह दिनांक 16-5-2006 को प्रातः 10.00 बजे इस कार्यालय में ग्रामालतन या बकालतन हाजिर आकर अपना एतराज प्रस्तुत कर सकता है अन्यथा नियमानुसार कार्यवाही अमल में लाई जावेगी।

आज दिनांक 12-4-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ

मोहर।

हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
उप-तहसील हारचकियां,
जिला कांगड़ा, हिमाचल प्रदेश।

ब अदालत श्री प्रकाश चन्द आजाद, नायब-तहसीलदार एवं कार्यकारी दण्डाधिकारी, पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश

केस नं० : 28/NT-1/06

तारीख पेशी : 15-5-2006

श्री अवतार सिंह

बनाम

सर्वसाधारण एवं ग्राम जनता

प्रार्थना-पत्र अधीन धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री अवतार सिंह सुपुत्र श्री जान सिंह, निवासी मुहाल माहलग, मौजा मालनू, तहसील पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश ने इस कार्यालय में प्रार्थना-पत्र दिया है कि उसकी लड़की कल्पना देवी का जन्म दिनांक 15-3-2002 को हुआ है मगर ग्राम पंचायत मालनू के अभिलेख में दर्ज नहीं है।

अतः इस इशतहार द्वारा सर्वसाधारण को सूचित किया जाता है कि यदि इस बारे किसी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 15-5-2006 को सुबह 10.00 बजे असालतन व बकालतन हाजिर अदालत आकर प्रस्तुत कर सकता है। बाद गुजरने मियाद कोई भी उजर व एतराज कानिसे समाप्त न होगा तथा कल्पना देवी पुत्री श्री अवतार सिंह की जन्म तिथि 15-3-2002 के पंजीकरण आदेश सम्बन्धित पंचायत को पारित कर दिये जाएंगे।

आज दिनांक 13-4-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

प्रकाश चन्द आजाद,
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,
पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश।

ब अदालत श्री प्रकाश चन्द आजाद, नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश

केस नं० : 29/NT-1/06.

तारीख पेशी : 15-5-2006

विमला देवी

बनाम

सर्वसाधारण एवं ग्राम जनता।

प्रार्थना-पत्र अधीन धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्रीमती विमला देवी पत्नी श्री होशियार सिंह, निवासी मुहाल पुनर, मौजा पुनर, तहसील पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश ने इस कार्यालय में प्रार्थना-पत्र दिया है कि उसके लड़के प्रतीक सिंह का जन्म दिनांक 26-10-2000 को हुआ है मगर ग्राम पंचायत पुनर के अभिलेख में दर्ज नहीं है।

अतः इस इशतहार हजा द्वारा सर्वसाधारण को सूचित किया जाता है कि यदि इस बारे किसी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 15-5-2006 को मुनह 10.00 बजे असादन या वकालतन हाजिर अदालत आकर प्रस्तुत कर सकता है। बाद गुजरने मियाद कोई भी उजर या एतराज काविले समायत न होगा तथा प्रतीक सिंह पुन श्री होशियार सिंह को जन्म तिथि 26-10-2000 के पंजीकरण आदेश सम्बन्धित पंचायत को पारित कर दिये जाएंगे।

आज दिनांक 13-4-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। प्रकाश चन्द आजाद,
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,
पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश।

ब अदालत श्री-अच्छर सिंह-ठाकुर, नायब तहसीलदार एवं सहायक समाहर्ता द्वितीय श्रेणी, उप-तहसील थुरल, जिला कांगड़ा, हिमाचल प्रदेश

मुकद्दमा दस्तुती नाम नं० 1/2006. तारीख पेशी 12-5-2006

श्री अशोक राज उपनाम अशोक राज वर्मा पुत्र श्री रिखी राम, निवासी मुहाल साई, उप-तहसील थुरल, जिला कांगड़ा, हिमाचल प्रदेश प्रार्थी।

बनाम

ग्राम जनता

श्री अशोक राज उपनाम अशोक वर्मा, निवासी मुहाल साई, मौजा व, उप-तहसील थुरल, जिला कांगड़ा, हिमाचल प्रदेश ने अदालत में प्रार्थना पत्र मय व्यान हल्की पेश किया है कि उसका नाम राजस्व व पंचायत अभिलेख ग्राम पंचायत आन्ता, उप तहसील थुरल, जिला कांगड़ा में गलत दर्ज हुआ है। नाम की दस्तुती राजस्व अभिलेख व पंचायत अभिलेख में दर्स्त करने का आदेश पारित किया जावे।

अतः इस इशतहार मुक्ती मुनादी द्वारा आम जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को कोई उजर एवं एतराज प्रार्थी का राजस्व अभिलेख व पंचायत अभिलेख में अशोक राज उप नाम अशोक राज वर्मा उप-नाम अशोक वर्मा पुत्र रिखी राम किये जाने बारे किसी व्यक्ति को हो तो वह तारीख पेशी 12-5-2006 को असादन या वकालतन पेश कर सकता है। बाद तारीख पेशी किसी किस्म का उजर एवं एतराज नहीं सुना जावेगा व नाम दस्तुती का आदेश पारित कर दिया जावेगा।

यह इशतहार मेरे हस्ताक्षर व मोहर अदालत से आज दिनांक 12-4-2006 को जारी हुआ।

मोहर। अच्छर सिंह ठाकुर,
सहायक समाहर्ता द्वितीय श्रेणी,
उप-तहसील थुरल, जिला कांगड़ा, हिमाचल प्रदेश।

ब अदालत श्री इन्द्र सिंह भारद्वाज (एच० ए० एम०), उप-मण्डल मैजिस्ट्रेट, मनाली, जिला कुल्लू, हिमाचल प्रदेश

श्रीमती मीना देवी पत्नी स्वर्गीय श्री कुन्दन लाल, निवासी नसोगी, डाकघर छियाल, तहसील मनाली, जिला कुल्लू (हि० प्र०)।

बनाम

ग्राम जनता

दरखास्त बराए नाम की शिद्ध करने बारे।

श्रीमती मीना देवी पत्नी स्व० श्री कुन्दन लाल, निवासी नसोगी, डाकघर छियाल, तहसील मनाली, जिला कुल्लू, हिमाचल प्रदेश ने इस कार्यालय में प्रार्थना-पत्र पेश किया है कि उसका नाम उसके पुत्र जन्म प्रमाण-पत्र में चन्द्रा देवी व परिवार रजिस्टर भाग-5 में मीना देवी लिखा गया है जो कि मही है अतः चन्द्रा देवी से बदलकर मीना देवी दुरुस्त किया जाए।

अतः इस अदालती इशतहार द्वारा सर्वसाधारण को सूचित किया जाता है कि उक्त प्रार्थी के नाम की शिद्ध से किसी को किसी प्रकार का कोई एतराज हो तो वह दिनांक 17-5-2006 को या इससे पूर्व इस अदालत में हाजिर होकर अपना एतराज पेश कर सकता है अन्यथा उक्त प्रार्थिया के नाम शिद्ध हेतु आदेश जारी कर दिये जाएंगे।

आज दिनांक 18-4-2006 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर। इन्द्र सिंह भारद्वाज,
उप-मण्डल मैजिस्ट्रेट,
मनाली, जिला कुल्लू (हि० प्र०)।

ब अदालत श्री इन्द्र सिंह भारद्वाज (एच० ए० एम०) उप-मण्डल मैजिस्ट्रेट, मनाली, जिला कुल्लू, हिमाचल प्रदेश

Miss Tenzin Tsekyi d/o Sh. Tsemphel, r/o Gompa Road Manali, Tehsil Manali.

बनाम

ग्राम जनता

विषय.—प्रकाशन इशतहार वाबत जन्म तिथि पंजीकरण जेर द्वारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम ग्राम जनता।

Miss Tenzin Tsekyi पुत्री श्री Tsemphil, निवासी गोम्पा रोड मनाली, तहसील मनाली, जिला कुल्लू, हिमाचल प्रदेश ने इस न्यायालय में आवेदन-पत्र मय शपथ-पत्र गुजारा है कि उसका जन्म दिनांक 28-3-1981 को हुआ है परन्तु उसकी जन्म तिथि नगर पंचायत मनाली के रिकार्ड में दर्ज न की गई है। जिसे अब दर्ज करवाने के आदेश दिए जावें।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को Tenzin Tsekhi की जन्म तिथि दर्ज करवाने बारे आपत्ति हो तो वह दिनांक 17-5-2006 को या इससे पूर्व अदालत हजा में अपनी आपत्ति दर्ज करवा सकता है। इसके उपरान्त कोई भी उजर/एतराज समायत न होगा तथा चियमानुसार जन्म तिथि दर्ज रवाने के आदेश पारित कर दिए जाएंगे।

आज दिनांक 18-4-2006 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर। इन्द्र सिंह भारद्वाज,
उप-मण्डल मैजिस्ट्रेट, मनाली,
जिला कुल्लू, हिमाचल प्रदेश।

ब अदालत श्री इन्द्र सिंह भारद्वाज (एच० ए० एम०) उप-मण्डल मैजिस्ट्रेट, मनाली, जिला कुल्लू, हिमाचल प्रदेश

Sh. Pema Tsetan s/o Sh. Rigyal Chering, r/o Gompa Road Manali. Tehsil Manali, District Kullu (H. P.).

बनाम

ग्राम जनता

विषय.—प्रकाशन इस्तहार बाबत जन्म तिथि पंजीकरण जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम धाम जनता ।

Sh. Pema Tsetan पुत्र श्री Rigyal Chering, निवासी गोम्पा रोड मनाली, तहसील मनाली, जिला कुल्लू, हिमाचल प्रदेश ने इस न्यायालय में आवेदन-पत्र मय शपथ-पत्र गुजारा है कि उसकी पुत्री दिनांक 7-8-2001 को पैदा हुई है परन्तु उसकी जन्म तिथि नगर पंचायत मनाली के रिकार्ड में दर्ज न की गई है । जिसे अब दर्ज करवाने के आदेश दिए जावें ।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को Tsering Dolma की जन्म तिथि दर्ज करवाने बारे कोई आपत्ति हो तो वह दिनांक 17-5-2006 को या इससे पूर्व प्रदालत हजा में अपनी आपत्ति दर्ज करवा सकता है । इसके उपरान्त कोई भी उजर/एतराज समाप्त न होगा तथा नियमानुसार जन्म तिथि दर्ज करवाने के आदेश पारित कर दिए जाएंगे ।

भाज दिनांक 18-4-2006 को मेरे हस्ताक्षर व मोहर प्रदालत द्वारा जारी हुआ ।

मोहर ।

इन्द्र सिंह भारद्वाज,
उप-मण्डल मैजिस्ट्रेट, मनाली,
जिला कुल्लू, हिमाचल प्रदेश ।

व अदालत श्री इन्द्र सिंह भारद्वाज (एच०ए०एस०) उप-मण्डल मैजिस्ट्रेट, मनाली, जिला कुल्लू, हिमाचल प्रदेश

Sh. Pema Tsetan s/o Sh. Rigyal Chering,
r/o Gompa Road Manali, Tehsil Manali,
District Kullu (H. P.).

बनाम

धाम जनता

विषय.—प्रकाशन इस्तहार बाबत जन्म तिथि पंजीकरण जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम धाम जनता ।

Sh. Pema Tsetan पुत्र श्री Rigyal Chering, निवासी गोम्पा रोड मनाली, तहसील मनाली, जिला कुल्लू, हिमाचल प्रदेश ने इस न्यायालय में आवेदन-पत्र मय शपथ-पत्र गुजारा है कि उसकी पुत्री दिनांक 2-12-1998 को पैदा हुई है परन्तु उसकी जन्म तिथि नगर पंचायत मनाली के रिकार्ड में दर्ज न की गई है । जिसे अब दर्ज करवाने के आदेश दिए जावें ।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को Yeshi Dolma की जन्म तिथि दर्ज करवाने बारे आपत्ति हो तो वह दिनांक 17-5-2006 को या इससे पूर्व प्रदालत हजा में अपनी आपत्ति दर्ज करवा सकता है । इसके उपरान्त कोई भी उजर व एतराज समाप्त न होगा तथा नियमानुसार जन्म तिथि दर्ज करवाने के आदेश पारित कर दिये जाएंगे ।

भाज दिनांक 18-4-2006 को मेरे हस्ताक्षर व मोहर प्रदालत द्वारा जारी हुआ ।

मोहर ।

इन्द्र सिंह भारद्वाज,
उप-मण्डल मैजिस्ट्रेट,
मनाली, जिला कुल्लू (हि०प्र०) ।

व अदालत श्री इन्द्र सिंह भारद्वाज (एच०ए०एस०), उप-मण्डल मैजिस्ट्रेट, मनाली, जिला कुल्लू (हि०प्र०)

Sh. Pema Tsetan s/o Sh. Rigyal Chering,
r/o Gompa Road, Manali, Tehsil Manali
District Kullu (H. P.).

बनाम

धाम जनता

विषय. प्रकाशन इस्तहार बाबत जन्म तिथि पंजीकरण जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम धाम जनता ।

Sh. Pema Tsetan पुत्र Sh. Rigyal Chering, निवासी गोम्पा रोड, मनाली, तहसील मनाली, जिला कुल्लू, हिमाचल प्रदेश ने इस न्यायालय में आवेदन-पत्र मय शपथ-पत्र गुजारा है कि उसकी पुत्री दिनांक 30-7-1996 को पैदा हुई है परन्तु उसकी जन्म तिथि नगर पंचायत मनाली के रिकार्ड में दर्ज न की गई है । जिसे अब दर्ज करवाने के आदेश दिये जावें ।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को Kunchok Dolma की जन्म तिथि दर्ज करवाने बारे आपत्ति हो तो वह दिनांक 17-5-2006 को या इससे पूर्व प्रदालत हजा में अपनी आपत्ति दर्ज करवा सकता है । इसके उपरान्त कोई भी उजर व एतराज समाप्त न होगा तथा नियमानुसार जन्म तिथि दर्ज करवाने के आदेश पारित कर दिए जाएंगे ।

भाज दिनांक 18-4-2006 को मेरे हस्ताक्षर व मोहर प्रदालत द्वारा जारी हुआ ।

मोहर ।

इन्द्र सिंह भारद्वाज,
उप-मण्डल मैजिस्ट्रेट, मनाली,
जिला कुल्लू, हिमाचल प्रदेश ।

व अदालत श्री इन्द्र सिंह भारद्वाज (एच०ए०एस०), उप-मण्डल मैजिस्ट्रेट, मनाली, जिला कुल्लू, हिमाचल प्रदेश

Sh. Pema Chetan s/o Sh. Rigyal Chering, r/o
Gompa Road, Manali, Tehsil Manali, District
Kullu (H. P.).

बनाम

धाम जनता

विषय.—प्रकाशन इस्तहार बाबत जन्म तिथि पंजीकरण जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम धाम जनता ।

Sh. Pema Chetan s/o Sh. Rigyal Chering, निवासी गोम्पा रोड मनाली, तहसील मनाली, जिला कुल्लू, हिमाचल प्रदेश ने इस न्यायालय में आवेदन-पत्र मय शपथ-पत्र गुजारा है कि उसका पुत्र दिनांक 22-5-2003 को पैदा हुआ है परन्तु उसकी जन्म तिथि नगर पंचायत मनाली के रिकार्ड में दर्ज न की गई है । जिसे अब दर्ज करवाने के आदेश दिये जावें ।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को Karma Chomphel की जन्म तिथि दर्ज करवाने बारे आपत्ति हो तो वह दिनांक 17-5-2006 को या इससे पूर्व प्रदालत हजा में अपनी आपत्ति दर्ज करवा सकता है । इसके उपरान्त कोई भी उजर/एतराज समाप्त न होगा तथा नियमानुसार जन्म तिथि दर्ज करवाने के आदेश पारित कर दिये जावें ।

प्राज्ञ दिनांक 18-4-2006 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

इन्द्र सिंह भारद्वाज,
उप-मण्डल मैजिस्ट्रेट, मनाली,
जिला कुल्लू, हिमाचल प्रदेश।

व अदालत श्री इन्द्र सिंह भारद्वाज (एचओ एओएमओ), उप-मण्डल मैजिस्ट्रेट, मनाली, जिला कुल्लू, हिमाचल प्रदेश

Sh. Samga s/o Sh. Namga, r/o H. No. 27, Ward No. 7, Gompa Road Manali, Tehsil Manali, District Kullu (H. P.)

बनम

ग्राम जनता

विषय—प्रकाशन इशतहार बाबत जन्म तिथि पंजीकरण जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम ग्राम जनता।

Sh. Samga पुत्र Sh. Namga, निवासी H. No. 27, Ward No. 7, गोम्पा रोड मनाली, तहसील मनाली, जिला कुल्लू, हिमाचल प्रदेश ने इस न्यायालय में आवेदन-पत्र मध्य शपथ-पत्र गुजारा है कि उसकी पत्नी दिनांक 1-3-1988 को पैदा हुई है परन्तु उसकी जन्म तिथि नगर पंचायत मनाली के रिकार्ड में दर्ज न की गई है। जिसे अब दर्ज करवाने के आदेश दिये जावें।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को Dawa Dolma की जन्म तिथि दर्ज करवाने बारे आपत्ति हो तो वह दिनांक 17-5-2006 को या इससे पूर्व अदालत हजा में अपनी आपत्ति दर्ज करवा सकता है। इसके उपरान्त कोई भी उज्जर/एतराज समाप्त न होगा तथा नियमानुसार जन्म तिथि दर्ज करवाने के आदेश पारित कर दिये जायेंगे।

आज दिनांक 18-4-2006 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

इन्द्र सिंह भारद्वाज,
उप-मण्डल मैजिस्ट्रेट, मनाली,
जिला कुल्लू, हिमाचल प्रदेश।

In the Court of Sh. B. S. Dehal, Marriage Officer-cum-Sub-Divisional Magistrate, Sadar Sub Division Mandi, District Mandi (H. P.)

In the matter of:—

1. Sh. Pranav Chandels/o Sh. Shiv Kumar Chandel, r/o Village and P. O. Ner Chowk, Tehsil Sadar, District Mandi, Himachal Pradesh.
2. Smt. Shalika Chandel d/o Shri H. S. Sen, r/o H. No. 48/5, Hari Puri Colony, Sundernagar, District Mandi, Himachal Pradesh

.. Applicants.

Versus

General public

Subject.—Application for the registration of Marriage under Special Marriage Act, 1954.

Sh. Pranav Chandel and Smt. Shalika Chandel have filed an application alongwith affidavits in the court of undersigned under section 15 of Special Marriage Act, 1954 that they have solemnized their marriage on 10-8-2005 at Village and P. O. Ner Chowk, Tehsil Sadar, District Mandi, Himachal Pradesh and they are living together as husband and wife since then, hence

their marriage may be registered under Special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage can file the objection personally or in writing before this court on or before 16-5-2006 after that no objection will be entertained and marriage will be registered.

Issued on 19th April, 2006 under my hand and seal of the court.

Seal.

B. S. DEHAL,
Marriage Officer-cum-Sub-Divisional Magistrate, Sadar, Sub-Division Mandi, Himachal Pradesh.

न्यायालय कार्यकारी, दण्डाधिकारी, सरकाषाट, जिला मण्डी, हिमाचल प्रदेश

मुकद्दमा शीर्षक :

श्री बनदेव सिंह पुत्र श्री बालक राम, निवासी चेल, डाकघर रोपड़ी, तहसील सरकाषाट, जिला मण्डी (हि० प्र०) ... प्रार्थी।

बनाम

ग्राम जनता

... करीकोडियम।

प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

उपरोक्त प्रार्थी श्री बलदेव सिंह ने इस न्यायालय में प्रार्थना-पत्र अधीन धारा 13(3) पेश किया है कि उसकी सास श्रीमती भागवत देवी विधवा श्री पंजा, निवासी चेल की दिनांक 15-11-2005 को मृत्यु हो गई थी जिसे पंचायत रिकार्ड में दर्ज नहीं करवाया गया है।

अतः ग्राम जनता को इस इशतहार द्वारा सूचित किया जाता है कि उक्त तिथि पंचायत रिकार्ड में दर्ज होने बारे किसी का कोई उज्जर या एतराज हो तो वह दिनांक 15-5-2006 को प्रातः 10.00 बजे इस न्यायालय में प्रस्तुत करे अन्यथा उक्त तिथि दर्ज करने के आदेश जारी कर दिए जाएंगे।

आज दिनांक 12-4-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
सरकाषाट, जिला मण्डी (हि० प्र०)।

न्यायालय श्री चुशमणी, उप-पंजीकाध्यक्ष, सरकाषाट, जिला मण्डी, हिमाचल प्रदेश

मुकद्दमा शीर्षक :

संवन्धी कृष्ण दयाल पुत्र गोकुल, बलबीर, सिंह, पवन कुमार पुत्र बकशी राम, निवासी गांव कांगो-का-गहरा, ईलाका अनन्तपुर, तहसील सरकाषाट, जिला मण्डी (हि० प्र०) ... प्रार्थी।

बनाम

ग्राम जनता

... करीकोडियम।

प्रार्थना-पत्र बाबत किए जाने पंजीकृत बसीयतनामा अधीन धारा 40 तथा 41.

उपरोक्त प्रार्थीगणों ने इस न्यायालय में प्रार्थना-पत्र बराए पंजीयन बसीयतनामा जो मलौफी सन्त पुत्र गोकुल, निवासी कांगो-का-गहरा ने उनके नाम तहरीर करवाया है, पेश किया है। बसीयतनामा दिनांक 15-2-2006 को स्वर्ग सिंघार चुका है।

अतः फरीकदोयम आम जनता को इस इशतहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को उक्त वसीयत पंजीयन होने में कोई आपत्ति हो तो वह दिनांक 12-5-2006 को या इससे पूर्व इस न्यायालय में पेश करे। अनुपस्थिति की सूरत में कार्यवाही एक पक्षीय प्रमन में लाई जावेगी।

आज दिनांक 12-4-2006 को मेरे हस्ताक्षर व मोहर अदायत से जारी हुआ।

मोहर। चूडामणी,
उप-पंजीकाध्यक्ष,
सरकाषाट, जिला मण्डी (हि० प्र०)।

न्यायानय श्री चूडामणी, महायक समाहर्ता द्वितीय श्रेणी, सरकाषाट,
जिला मण्डी, हिमाचल प्रदेश

मुकद्दमा नं० ५०

श्री रतन चन्द पुत्र श्री भगत राम, निवासी बडरेसा, डाकघर
बाग, तहसील सरकाषाट, जिला मण्डी (हि० प्र०) प्रार्थी।

बनाम

आम जनता फरीकदोयम।

प्रार्थना पत्र दस्तुती नाम, मुहाल बैरी/बडरेसा।

प्रार्थी श्री रतन चन्द पुत्र श्री भगत राम, निवासी बडरेसा, ने इस न्यायानय में प्रार्थना-पत्र पेश किया है कि उसका सही नाम रतन चन्द है जो स्कूल तथा सविम रिकार्ड में सही दर्ज है परन्तु राजस्व रिकार्ड मुहाल बैरी/बडरेसा में यह गलती से फामगू दर्ज हुआ है।

अतः आम जनता को बजरिया इशतहार सूचित किया जाता है कि यदि किसी व्यक्ति को उक्त नाम दस्तुती बारे कोई एनराज हो तो वह दिनांक 12-5-2006 या इससे पूर्व इस न्यायालय में पेश करे। अनुपस्थिति की सूरत में कार्यवाही एकपक्षीय प्रमन में लाई जावेगी।

मेरे हस्ताक्षर व मोहर अदायत से आज दिनांक 12-4-2006 को जारी हुआ।

मोहर। चूडामणी,
महायक समाहर्ता द्वितीय श्रेणी,
सरकाषाट, जिला मण्डी (हि० प्र०)।

BEFORE THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA

ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY PETITION NO. 5 OF 2006

In the matter of Companies Act, 1956 (1 of 1956)

And

In the matter of Section 391 & 394 of the Companies
Act, 1956.

And

In the matter of Scheme of Amalgamation of
Shivalik Hatcheries Private Limited with Venkatesh-
wara Hatcheries Private Limited a Company incorpo-
rated under the provisions of Companies Act, 1956
having its registered office at Venkateshwara House,
H. No. 3-5-808 & 808/1, Hyderguda, Hyderabad
500 054.

Shivalik Hatcheries Private Limited, a Company
Incorporated under the provisions of Companies,
Act, 1956 having its registered office at Village Pater
Bhanku, P.O. Panthera, Tehsil Nalagarh, District
Solan in the State of Himachal Pradesh. Applicant.

A Petition under Section 394 of the Companies Act, 1956 for Sanctioning the Scheme of Amalgamation of Shivalik Hatcheries Private Limited, the Petitioner Company with Venkateshwara Hatcheries Private Limited, the Transferee Company, was presented by the Petitioner Company on 1st day of April, 2006 and the same has been admitted on 7th day of April, 2006. The said Petition is fixed for hearing before the Company Judge on 29th day of May, 2006 at 11 O'clock in the forenoon.

Any person desirous of supporting or opposing the said Petition should send to the Petitioner's Advocate not later than 4 days before the date of hearing of Petition, where he seeks to oppose the Petition, the grounds of opposing or a copy of the affidavit should be furnished with such notice.

A copy of the Petition will be furnished by the under-
signed to any person requiring the same on payment of
prescribed charges for the same.

Sd/- Sd/-
Assistant Registrar (Judicial) ATUL JHINGAN,
High Court of H. P. Advocate,
Shimla. Seal. 75, the Mal Shimla,
Himachal Pradesh.
Shimla, the 24th April, 2006.

ब अदालत श्री श्री० पी० ठाकुर, सहायक समाहर्ता प्रथम श्रेणी,
रेणुका जी स्थित संगडाह, जिला सिरमौर (हि० प्र०)

मिसल नं० : 1/04 तारीख मरजुमा : 2-1-2004

धर्म चन्द पुत्र श्री रिखी राम आदि, निवासी मोहतू, तहसील रेणुका
जी, जिला सिरमौर (हि० प्र०) सायलान।

बनाम

सही राम पुत्र पणवु उर्फ जालम, निवासी मोहतू, तहसील रेणुका जी,
जिला सिरमौर (हि० प्र०) आदि फीकसानियान।

दरखास्त तरीका तकसीम भूमि खाता खतौनी नं० 20/31 ता
39 तादादी 557-4 बीघा वाका रकबा मौजा मोहतू, तहसील
रेणुकाजी, जिला सिरमौर (हि० प्र०)।

उपरोक्त मुकद्दमा तरीका तकसीम भूमि अदालत हजा में जेरे
गौर है तथा जिसमें, 1. रूप सिंह पुत्र सायक, निवासी बावनल,
तहसील रेणुका जी, 2. कुन्दन सिंह, नैनसिंह पुत्रान केहर, निवासी
बावनल, 3. देवा राम, दया राम, भगवान सिंह पुत्रान सरताना, निवासी
बावनल, 4. जीत राम पुत्र कुशल सिंह, निवासी बावनल, 5. श्याम
चन्द पुत्र रिखी राम, निवासी दवाह (फौत) जायज बारिस प्रेमदत्त
पुत्र श्याम चन्द, निवासी दवाह, आम प्रकाश, रमेश पुत्रान श्याम चन्द,
निवासी बघ्याना/दवाह, 6. पूर्ण चन्द, कुमानन्द पुत्रान उदय राम,
निवासी मोहतू, 7. भग्ज पुत्र आन्दन (फौत), निवासी रजाना
जायज बारिस महेन्द्र सिंह पुत्र, जमनी विधवा व सत्या पुत्री
भग्ज, निवासी रजाना/गनोग, 8. जागर सिंह पुत्र बली राम
निवासी शामरा हाथ निवासी लोहारा टिकरी, तहसील रेणुकाजी,
आमरी पुत्री बली राम, निवासी शामरा, 9. राजेन्द्र सिंह पुत्र मुरत
राम, निवासी लोहारा टिकरी, 10. रतन सिंह पुत्र आन्दन (फौत),
जायज बारिस लाजो देवी विधवा, कुमारी गीता पुत्री रतन सिंह,
निवासी रजाना, तहसील रेणुका जी, 11. श्यामा पुत्री रतन सिंह, निवासी
अग्रत, तहसील रेणुकाजी, 12. धर्मा सज्जो, मूनी पुत्रिया बस्ती
राम, निवासी शामरा/उंगरकाण्डो, तहसील रेणुकाजी, 13. जगू पुत्र
अमर सिंह, निवासी अंगरी, तहसील रेणुकाजी, 14. नारदा, शारदा,
मधुबाना पुत्रिया राम राम, निवासी मोहतू, 15. पदमा, लक्ष्मी, तारी
पुत्रिया धीकिया, निवासी चांभनी/हानपलागा/कालारिया, 16. रामदत्त
पुत्र मामक, निवासी मोहतू, तहसील रेणुकाजी, जिला सिरमौर,
हिमाचल प्रदेश को फीकसानियान बनाया गया है। अदालत द्वारा
बार-बार समन जारी करते पर भी इन्हें तामील नहीं हो रही है
जिससे अदालत को पूरा यकीन हो चका है कि उन्हें अब साधारण
तरीक से तामील नहीं करवाई जा सकती।

प्रतः इस अदालती इशतहार के माध्यम से फरीकमानियान उपरोक्त को सूचित किया जाता है कि वे अगर मुकद्दमा उपरोक्त तरीका तत्समीप में अपना उजर/एतराज पेश करना चाहें तो वह दिनांक 15-5-2006 को अमानतन/वकालतन अमानत में हाजिर आकर अपना उजर/एतराज पेश कर सकते हैं। बाद गुजरने मियाद कोई कार्यवाही काबू में ममायत न होगी तथा नियमानुसार एक पक्षीय कार्यवाही अमल में लाई जायेगी।

प्राज दिनांक 20-4-2006 को हमारे हस्ताक्षर व मोहर अदालत में जारी किया गया।

मोहर।

ओ० पी० ठाकुर,
सहायक महाहनी प्रथम श्रेणी,
रेणुका जी स्थित मंगड़ाह, जिला सिरमौर,
हिमाचल प्रदेश।

व अदालत श्री जी० एस० चोपड़ा, कार्यकारी दण्डाधिकारी, पांवटा साहिब, जिला सिरमौर (हि० प्र०)

श्री रघुबीर चन्द पुत्र श्री सुगन चन्द शर्मा, निवासी माजरा, तहसील पांवटा साहिब, जिला सिरमौर (हि० प्र०)।

बनाम

ग्राम जनता

उपरोक्त प्रार्थना-पत्र श्री रघुबीर चन्द पुत्र श्री सुगन चन्द शर्मा, निवासी माजरा, तहसील पांवटा साहिब, जिला सिरमौर (हि० प्र०) ने अधीन धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत प्रस्तुत करके प्रार्थना की है कि उसकी माता श्रीमती सीता देवी जिनकी मृत्यु तिथि 22-10-2003 है, की मृत्यु तिथि ग्राम पंचायत माजरा के रिकार्ड में दर्ज नहीं करवाई गई है। जिसे प्रार्थी अब दर्ज करवाना चाहता है।

प्रतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि इस संबन्ध में यदि किसी व्यक्ति को कोई उजर या एतराज हो तो वह स्वयं अथवा अपने प्रतिनिधि द्वारा मिति 17-5-2006 को प्रातः 10.00 बजे इस अदालत में उपस्थित आकर प्रस्तुत करे, बसुरत दीगर श्रीमती सीता देवी पत्नी श्री सुगन चन्द शर्मा की मृत्यु तिथि 22-10-2003 को दर्ज करने के आदेश जारी कर दिए जाएंगे।

प्राज दिनांक 17-4-2006 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

जी० एस० चोपड़ा,
कार्यकारी दण्डाधिकारी,
पांवटा साहिब, जिला सिरमौर (हि० प्र०)।

व अदालत श्री रोहित जमवाल, उप-मण्डल मैजिस्ट्रेट अर्की, जिला सोलन, हिमाचल प्रदेश

श्री देवी चन्द सपुत्र श्री मस्त राम, निवासी ग्राम खाजला, डाकघर दानोषाट, तहसील अर्की, जिला सोलन, हिमाचल प्रदेश।

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

प्रार्थी उपरोक्त ने इस अदालत में प्रार्थना-पत्र दिया है कि उसकी लड़की उमा कुमारी का जन्म दिनांक 16-10-2000 को हुआ था लेकिन ग्राम पंचायत के अभिलेख में उसका नाम व जन्म तिथि दर्ज नहीं है। अब दर्ज किये जाने के आदेश जारी किये जायें।

प्रतः इस इशतहार राजपत्र, हिमाचल प्रदेश द्वारा ग्राम जनता को सूचित किया जाता है कि यदि इस बारे किसी व्यक्ति को

कोई उजर व एतराज हो तो वह दिनांक 17-5-2006 को प्रातः 10.00 बजे अमानतन या वकालतन उपस्थित आकर प्रस्तुत कर सकता है। बाद गुजरने मियाद कोई भी उजर या एतराज ममायत न होगा तथा उमा कुमारी की जन्म तिथि पंचायत अभिलेख में दर्ज करने के आदेश पारित कर दिये जायेंगे।

प्राज दिनांक 17-4-2006 को हमारे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

रोहित जमवाल,
उप-मण्डल मैजिस्ट्रेट,
अर्की, जिला सोलन, हिमाचल प्रदेश।

व अदालत नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना, जिला ऊना (हि० प्र०)

व मुकद्दमा : जन्म प्रमाण-पत्र।

रजनी देवी

बनाम

ग्राम जनता

दरकवास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम ग्राम जनता।

श्रीमती रजनी देवी पत्नी श्री जतिन्द्र कुमार, निवासी गांव जलगां टम्बा, तहसील व जिला ऊना ने इस न्यायालय में दरकवास्त दी है कि उसके पुत्र राजविन्द्र सिंह का नाम पंचायत रजिस्टर में गलती से दर्ज न करवाया जा सका है और अब दर्ज करवाया जावे। उसके पुत्र का नाम राजविन्द्र सिंह है, जन्म तिथि 6-10-2003 तथा बच्चे का जन्म स्थान गलगां टम्बा है।

प्रतः इस नोटिस के माध्यम से समस्त जनता तथा सम्बन्धी रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उपरोक्त बच्चे का नाम दर्ज होने में कोई आपत्ति हो तो वह दिनांक 15-5-2006 को प्रातः 10.00 बजे स्वयं अथवा अमानतन या वकालतन इस अदालत में हाजिर आकर पेश कर सकता है अन्यथा यकतरफा कार्यवाही अमल में लाई जाकर प्रमाण-पत्र जारी करने के आदेश दे दिए जाएंगे।

प्राज दिनांक 2-5-2006 को हस्ताक्षर मेरे व मोहर अदालत द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/-
नायब-तहसीलदार एवं कार्यकारी दण्डाधिकारी,
ऊना, जिला ऊना, हिमाचल प्रदेश।

व अदालत नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना, जिला ऊना, हिमाचल प्रदेश

व मुकद्दमा : जन्म तिथि प्रमाण-पत्र।

बालकिशन

बनाम

ग्राम जनता

दरकवास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम ग्राम जनता।

श्री बालकिशन पुत्र श्री बेली राम, निवासी गांव रायपुर, तहसील व जिला ऊना ने इस न्यायालय में दरकवास्त दी है कि उसके पुत्र अक्षय राणा का नाम पंचायत रजिस्टर में गलती से दर्ज न करवाया जा सका है और अब दर्ज करवाया जावे। उसके पुत्र का नाम अक्षय राणा है, जन्म तिथि 25-5-2000 है तथा बच्चे का जन्म स्थान रायपुर है।

प्रतः इस नोटिस के माध्यम से समस्त जनता तथा सम्बन्धी रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उपरोक्त बच्चे का नाम दर्ज होने में कोई आपत्ति हो तो वह दिनांक

15-5-2006 को प्रातः दस बजे स्वयं धनबा प्रसालतन या बकालतन इस अदालत में हाजिर धाकर पेश कर सकता है अन्यथा एकतरफा कार्यवाही प्रमल में लाई जाकर प्रमाण-पत्र जारी करने के आदेश दे दिये जाएंगे।

आज दिनांक 12-4-2006 को हस्ताक्षर मेरे व मोहर अदालत द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/-
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,
ऊना, जिला ऊना (हि० प्र०)।

ब प्रदासत नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना, तहसील
व जिला ऊना, हिमाचल प्रदेश

श्रीमती दनीषा

बनाम

ग्राम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण
प्रधिनियम, 1969.

नोटिस बनाम ग्राम जनता।

श्रीमती दनीषा पत्नी श्री नरिन्द्र कुमार, निवासी गांव रायसरी, तहसील ऊना, जिला ऊना ने इस न्यायालय में दरखास्त की है कि उसके पुत्र मनीष का नाम पंचायत रजिस्टर में दनीषी से दर्ज करवाया जा सगा है। प्रब दर्ज करवाया जाने। उसके पुत्र का नाम मनीष है, जन्म तिथि 28-12-2000 तथा बच्चे का जन्म स्थान गांव बसोली है।

धतः इस नोटिस के माध्यम से समस्त जनता तथा सम्बन्धी रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उपरोक्त बच्चे का नाम दर्ज होने में कोई बाधाति हो तो वह दिनांक 15-5-2006 को सुबह 10.00 बजे स्वयं धनबा प्रसालतन या बकालतन इस प्रदासत में हाजिर धाकर पेश कर सकता है अन्यथा एकतरफा कार्यवाही प्रमल में लाई जाकर प्रमाण-पत्र जारी करने के आदेश दे दिये जाएंगे।

आज दिनांक 13-4-2006 को हस्ताक्षर मेरे व मोहर प्रदासत द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/-
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,
ऊना, जिला ऊना (हि० प्र०)।

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

-नून्य-

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

-नून्य-

अनुपूरक

-नून्य-